No. 2400

United States Circuit Court of Appeals

Ninth Circuit

Appeal from the District Court of the United States for the District of Oregon

OREGON & CALIFORNIA RAILROAD COMPANY, A Corporation, *et al.*,
Defendants and Appellants

JOHN L. SNYDER, *et al.*,
Cross-Complainants and Appellants

WILLIAM F. SLAUGHTER, *et al.*,
Interveners and Appellants

vs.

THE UNITED STATES OF AMERICA
Appellee

TRANSCRIPT OF RECORD

VOLUME XIII

PAGES 6891-7269

LODGED
APR - 4 1914
F. D. MONCKTON,

TITLE

NAMES AND ADDRESSES OF SOLICITORS UPON THIS APPEAL

For Appellants
OREGON & CALIFORNIA R. R. CO., et al.:

WM. F. HERRIN,
P. F. DUNNE,
J. E. FENTON,
San Francisco, Cal.

WM. D. FENTON,
Portland, Oregon.

For Appellants—JNO. L. SNYDER, *et al.*:

A. W. LAFFERTY,
Portland, Oregon.

For Appellants—WM. F. SLAUGHTER, *et al.*:

L. C. GARRIGUS,
A. W. LAFFERTY,
MOULTON & SCHWARTZ,
Portland, Oregon.

DAY & BREWER,
Seattle, Wash.

A. C. WOODCOCK,
Eugene, Oregon.

For Appellee:

JAMES C. McREYNOLDS,
Attorney General.

CLARENCE L. REAMES,
U. S. Dist. Attorney for Oregon.

B. D. TOWNSEND,
F. C. RABB,
Special Assistants to the
Attorney General.

No._____

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—o—

TRANSCRIPT OF RECORD

VOLUME XIII

PAGES 6691-7249

DEFENDANTS' EXHIBIT 258

B. A. McA, May 11, 1912.

STATUS, AS OF DATE MAY 1, 1912, OF THAT PART OF THE GRANT SITUATED IN OREGON, MADE BY ACT OF CONGRESS APPROVED JULY 25, 1866, TO THE CALIFORNIA AND OREGON RAILROAD COMPANY, AND TO "SUCH COMPANY ORGANIZED UNDER THE LAWS OF OREGON AS THE LEGISLATURE OF SAID STATE SHALL DESIGNATE." — KNOWN IN OREGON AS THE "EAST SIDE GRANT."

—ooOoo—

Total acres in Primary Limits.....		3,823,426.71
Acres Lost for which the Company is entitled to Indemnity.		
Corvallis & Yaquina Bay Wagon Road Grant July 4, 1866.....	12,687.85	
Willamette Valley & Cascade Mountain Wagon Road Grant July 5, 1866	19,577.45	
Oregon Central Military Wagon Road Grant		

July 2, 1864	26,898.36	
Donation Land Claims	1,143,925.70	
Swamp Lands	240.98	
State Selections	74,288.56	
Private Entries	407,486.27	
Mineral Entries	9,516.60	
Fort Lane Military Reservation	118.24	
	1,694,285.01	
Acres Lost for which Company is not entitled to indemnity.		
Roseburg & Coos Bay Wagon Road Grant March 3, 1869.		
These lands enured to the Railroad Grant but were erroneously patented by the U. S. to the Wagon Road Company and Railroad Company has no recourse	33,814.40	1,728,049.41
Acres which have enured to the Grant		
Patented	1,795,664.71	

Patents applied for.....	20,366.38	
Patents not yet applied for—Surveyed	51,372.21	
Patents not yet applied for — Unsurveyed....	227,974.00	2,095,377.30
Total Acres in Indemnity Limits		1,791,523.13

Acres Lost

Indian Reservation.....	845.68
Corvallis & Yakuina Bay Wagon Road Grant...	37,824.72
Willamette Valley and Cascade Mountain Wagon Road Grant...	37,833.01
Oregon Central Military Wagon Road Grant...	22,321.84
Roseburg & Coos Bay Wagon Road Grant...	26,771.59
Donation Land Claims...	55,874.26
Swamp Lands	1,672.30
State Selections	31,947.68
Private Entries	81,062.21
Private Entries Pending.	3,237.40
Mineral Entries	600.86

Oregon Central R. R. Co. (West side Co.) Primary Patents	3,409.07	
Northern Pacific R. R. Co. Lieu Selections Patented	15,538.94	
Northern Pacific R. R. Co. Lieu Selections Pending	7,915.68	
	826,855.24	
Acres Reserved by U. S. National Forests.....	490,327.88	
Klamath Irrigation project	645.95	
	490,973.83	817,829.07
Acres which have inured to Grant		
Patented	955,045.51	
Patents applied for.....	4,296.09	
Selected — not certified— may be rejected.....	5,710.46	965,052.06
Acres which are available for future selection Unsurveyed	8,640.00	8,640.00

Acres Primary Lost for which Company is entitled to Indemnity.....		1,694,235.01
Acres Indemnity Patented and Patents applied for.	965,052.06	
Acres Indemnity available for future selection..	8,640.00	973,692.06
Acres Primary Lost for which no Indemnity is available		720,542.95
Acres Primary Lost on account of Error in U. S. General Land Office whereby patent issued for Roseburg and Coos Bay Wagon Road.....		33,814.40
Total Deficit in Grant..		754,357.35
If National Forest Lands could be selected.....		490,327.88
The Deficit would be reduced to		264,029.47

STATUS, AS OF DATE MAY 1, 1912, OF GRANT MADE BY ACT OF CONGRESS APPROVED MAY 4, 1870 TO OREGON CENTRAL RAILROAD COMPANY,—KNOWN AS "WEST SIDE GRANT".

———ooOoo———

Total area in Primary Limits		501,807.38
Acres Lost for which the Company is entitled to Indemnity		
Donation Land Claims...	197,692.94	
Swamp Lands.....	997.42	
State selections.....	9,680.15	
Private Entries.....	37,238.01	
Oregon and California R. R. Co. Primary.....	14,204.31	
Oregon and California R. R. Co. Indemnity selections and patents...	41,190.76	
Acres Lost for which the Company is not entitled to Indemnity.....	301,003.59	
Quadrant	103,780.16	404,783.75

Acres which have inured to grant		
Patented	96,844.98	
Patents applied for.....	128.97	
Patents not yet applied for	99.68	97,073.63
Total acres in Indemnity Limits		123,907.97
Acres Lost		
Donation Land Claims...	7,347.18	
Swamp Lands	97.31	
State Selections	6,924.93	
Private Entries	12,842.70	
Quadrant	58,853.18	
Northern Pacific R. R. Co. Lieu Selection....	40.	86.105.80
Acres which have inured to Grant		
Patented		37,788.67
Acres which are available for future selection		
Unsurveyed		14.00
Acres Primary Lost for		

which Company is entitled to Indemnity....		301,003.59
Acres Indemnity Patented.	37,788.67	
Acres of Indemnity which are available for future Selection	14.00	37,802.67
Acres of Primary lost for which no Indemnity is available		263,200.92

DEFENDANT'S EXHIBIT 259

Is a map which has upon it a legend purporting to show in

Deep red—Twenty Miles Limit of Oregon Central R. R. Co. (East Side Grant)

Deep red—Thirty Miles Limit of Oregon Central R. R. Co. (East Side Grant)

Dark green—Twenty Miles Limit of Oregon Central R. R. Co. (West Side Grant)

Dark green—Twenty-five Miles Limit of Oregon Central R. R. Co. (West Side Grant)

Light green—Patented and Unpatented Unsold lands of both Grants not including Unselected Indemnity lands.

Carmine—Lands covered by Outstanding Contracts.

Blue—Lands deeded by Grantee Companies.

Yellow—Lands lost to both Grants by adverse entries.

Brown—Lands unavailable for Indemnity Selection because within Forest or other Reserves established subsequent to the Grant.

Green outline with white center—Unselected Indemnity including pending suspended lists and unsurveyed lands.

This map is certified up under order of Court and stipulation of parties, without being printed.

DEFENDANTS' EXHIBIT 260

is a map purporting to show Oregon and California Railroad Company's lands shaded in hatched black, and in

Green—Lands which carry timber

Yellow—Lands which are non-timber

Light green with black circle in center—Lands which are unsurveyed

Light green square with red circle in center—Lands which are unpatented

East Side Railroad marked in red

West Side Railroad marked in green

This map is certified up under order of Court and stipulation of parties, without being printed.

DEFENDANTS' EXHIBIT 261

consists of six original reports of timber cruisers, on Form 3384, three of them prepared by L. D. McLeod, and three by D. C. McLennan, as to various tracts of railroad land within the limits of this grant, one of which reports is a duplicate of the other five, excepting as to date, description of land and written matter and by whom made.

This exhibit is not printed, but is certified up under order of Court and stipulation of parties.

THIS PAGE IS BOUND VERTICAL IN BOOK

DEFENDANS' EXHIBIT 262

STATEMENT SHOWING THE NUMBER OF ACRES OF LAND IN EACH COUNTY IN OREGON AND WASHINGTON INVOLVED IN SUIT 3340, UNITED STATES VS. OREGON AND CALIFORNIA RAILROAD COMPANY, AND SHOWING THE NUMBER OF ACRES WHICH HAVE BEEN COVERED BY OREGON AND CALIFORNIA R. R. CO'S FIELD EXAMINATIONS, AND THE CLASSIFICATIONS THEREOF AS DETERMINED FROM SUCH EXAMINATIONS.

COUNTY	Acres Involved in Suit 3340	Examined	Timber Land	Grazing Land	Agricultural Land
Washington E. S.	2452.18	2452.18	2452.00	.....	.18
Multnomah E. S.	8120.00	8120.00	6643.00	1457.00	20.00
Yamhill E. S.	27039.90	27039.90	17963.94	8411.07	664.89
Clackamas E. S.	89764.41	65727.94	37913.24	25613.66	2201.04
Polk E. S.	37015.47	37015.47	36104.68	831.63	79.16

COUNTY	Acres Involved in Suit 3340	Examined	Timber Land	Grazing Land	Agricultural Land
Marion E. S.	30307.16	15161.46	6051.55	8819.75	5290.16
Lincoln E. S.	15906.00	15906.00	5795.00	9703.00	408.00
Benton E. S.	53706.99	53539.14	45964.36	6613.44	961.34
Linn E. S.	61880.20	8105.42	7000.42	1105.00	.....
Lane E. S.	299891.23	201255.05	187899.22	12006.12	1349.71
Douglas E. S.	616834.94	55475.35	49944.32	4726.41	804.62
Coos E. S.	106563.36	67121.34	62832.24	4065.02	224.08
Curry E. S.	7844.64	.....	.....	.....	.....
Josephine E. S.	167525.19	47473.46	30255.69	12219.54	4998.23
Jackson E. S.	441951.15	134989.81	90164.30	43314.07	1511.44
Klamath E. S.	43011.19	43011.19	38895.64	4115.55	.....
Tillamook E. S.	7087.00	6796.83	1400.00	5396.83	.....
Clarke (Wash) W. S.	212.50	212.50	120.00	.....	92.50
Columbia W. S.	17678.83	17518.83	16827.99	357.86	332.98
Tillamook W. S.	22704.00	22704.00	5994.73	15891.30	817.97

THIS PAGE IS

COUNTY	Acres Involved in Suit 3340	Examined	Timber Land	Grazing Land	Agricultural Land
Washington W. S.....	15680.00	15680.00	13319.65	1801.35	559.00
Multnomah W. S.....	927.00	927.00	927.00	.....	.....
Yamhill W. S.....	1563.11	1563.11	1123.11	440.00	.....
Totals	2075616.45	847795.98	665592.08	161888.60	20315.30
		40+% of Entire Grant	78+% of area Examined	19+% of area Examined	2+% of area Examined

San Francisco, Cal.,
July 30, 1912.

Filed May 10, 1913.
E. M. SIMMONS.

DEFENDANTS' EXHIBIT 263

is a map with the legend purporting to show in

Red—Settlement Entries

Yellow—Non-settlement Entries

Green—Patented Lands affected by Federal Suit No. 3340

Green, with small red circle in center of same—Unpatented Lands affected by Federal Suit No. 3340

Green, with black circle in center of same—Unsurveyed Lands affected by Federal Suit No. 3340

This map is certified up under order of Court and stipulation of parties, without being printed.

DEFENDANTS' EXHIBIT 264

purporting to show "SETTLEMENT ENTRIES" as follows:

Not Examined (Preemption —P
(Homestead —H
(Donation —D

Examined

Solid Green—plain—Grazing—owned by Entryman (Not Occupied)

Solid Green with T in center—Grazing—owned by Transferee (Not Occupied)

Solid Green with E in center—Grazing—occupied by Entryman

Solid Green with O in center—Grazing—occupied by Transferee

Solid Pink—plain—Timber—owned by Entryman (Not Occupied)

Solid Pink with T in center—Timber—owned by Transferee (Not Occupied)

Solid Pink with E in center—Timber—occupied by Entryman

Solid Pink with O in center—Timber—occupied by Transferee

NON SETTLEMENT ENTRIES

Not Examined

Solid Blue with E in center—Timber Entries owned by Entryman

Solid Blue—plain—Timber Entries owned by Transferees

Solid Yellow—plain—Scrip owned by Timber Companies

Solid Yellow with S in center—Scrip owned by small holdings

Solid White with C in center—Cash Entries

Solid White with M in center—Mineral Entries

Solid White with I in center—Indian Allotment

Solid White with Is. in center—Isolated Tract Patents

Solid White with Coal in center—Coal D. S.

This exhibit consists of—

12 sheets showing lands purporting to have been examined by Roy Woods

11 sheets showing lands purporting to have been examined by J. H. Ray

2 sheets showing lands purporting to have been examined by Edmondstone

10 sheets showing lands purporting to have been examined by Hawkins

14 sheets showing lands purporting to have been examined by Kendall

11 sheets showing lands purporting to have been examined by Kinser

9 sheets showing lands purporting to have been examined by Kempton

14 sheets showing lands purporting to have been examined by Cartier

30 sheets showing lands purporting to have been examined by E. & W. J. Lander

8 sheets showing lands purporting to have been examined by L. M. Stonebreaker

1 sheet showing lands purporting to have been examined by C. L. Knox

1 sheet showing lands purporting to have been examined by E. & W. J. Lander and J. H. Ray

1 sheet showing lands purporting to have been examined by E. & W. J. Lander and C. L. Knox

1 sheet showing lands purporting to have been examined by E. & W. J. Lander and Knox-Lynch

1 sheet showing lands purporting to have been examined by Stonebreaker & Kendall

11 sheets showing lands purporting to have been examined by Knox-Lynch.

5 lots showing lands purporting to have been examined by Olinger & White

12 sheets showing lands purporting to have been examined by Olinger

5 sheets showing lands purporting to have been examined by Ray-Kendall

1 sheet showing lands purporting to have been examined by Boehmer

6 sheets showing lands purporting to have been examined by Eberspacher

5 sheets showing lands purporting to have been examined by Beekman

9 sheets showing lands purporting to have been examined by J. W. White

5 sheets showing lands purporting to have been examined by Rodolf

13 sheets showing lands purporting to have been examined by Williams

5 sheets showing lands purporting to have been examined by W. R. Lake

16 sheets showing lands purporting to have been examined by R. H. Coppock

14 sheets showing lands purporting to have been examined by T. B. Landers

7 sheets showing lands purporting to have been examined by O'Shea

1 sheet showing lands purporting to have been examined by O'Shea-Lyman-Ashford

5 sheets showing lands purporting to have been examined by Lyman-Ashford

10 sheets showing lands purporting to have been examined by Look

9 sheets showing lands purporting to have been examined by Lyman

DEFENDANTS' EXHIBIT 265

consists of three packages, containing certified copies of so much of the Field Notes on file in the office of the United States Surveyor General for Oregon, at Portland, Oregon, as discloses the returns made by the United States Deputy Surveyors as to the character of the lands in the townships therein described; all of which lands so described are within the limits of the grants involved in this suit, but are not necessarily lands inuring to the Oregon and California Railroad Company under these grants, but are Field Notes of surveys which have been made from 1855 to 1908, and consist of 291

pages, omitting certificates.

This exhibit is not printed, but certified up under order of Court.

DEFENDANTS' EXHIBIT 266

is a map, showing in red the main line of railroad between Portland and Roseville Junction, and between Portland and McMinnville, via Forest Grove,—the latter line in green; also showing in red circles the elevation at each station along each line. These lines are thus located upon the standard Land Grant map of the Oregon and California Railroad Company and Central Pacific Railway Company.

This map is certified up under order of Court, and stipulation of parties, without being printed.

DEFENDANTS' EXHIBIT 267

is a photographic panorama, taken by B. A. Gifford on February 20, 1908, purporting to cover a distance of about eight miles westerly, through the central portion of township 7 south, range 7 west, and a portion of the western part of township 7 south, range 6 west; section 18, and portions of sections 7, 8, 16, 17, 21, 20, 19 and 30, in township 7 south, range 6 west; and sections 16, 17 and 24, and portions of sections 7, 8, 9, 10, 13, 14, 15, 18, 19, 20, 21, 22, 23, and 25, township 7 south, range 7 west; and the general character of the country and timber in the locality covered in township 7 south, range

7 west, and the western part of township 7 south, range 6 west; with blue print of these townships attached; and with affidavits of B. A. Gifford, F. A. Elliott and Homer D. Angell, with letter of Angell & Fisher attached explanatory of same.

This exhibit is not printed, but certified up under order of Court and stipulation of parties.

DEFENDANTS' EXHIBIT 268

consists of a panoramic picture (four pictures taken in panoramic form), and two pictures taken in panoramic form, and one picture separately, with blue print and letter of transmittal from A. W. Rees to B. A. McAllaster of date April 15, 1912; purporting to show a panoramic view of township 20 south, range 1 west, taken by B. A. Gifford, from a point near the quarter post on the east line of section 12, April 8, 1912; and also purporting to be two smaller views of the northeast corner of township and a small view of Eagle Rest from the top of which the panoramic view was taken; also purporting to be a panoramic view showing sections 14 and 19, southeast quarter of section 1, sections 25, 27 and 35, township 20 south, range 1 west; blue print plat purporting to show territory embraced in photographs.

This exhibit is not printed, but certified up under order of Court and stipulation of parties.

DEFENDANTS' EXHIBIT 269

purports to be photograph No. 2942, taken from the NE of SE of section 3, township 4 north, range 3 west, Columbia county, Oregon, looking south, 25° west; and photograph No. 2943, purporting to have been taken from the SW of SW of section 3, township 4 north, range 3 west, W. M., Columbia county, Oregon, looking south, 45° west; and both photographs purporting to be taken by B. A. Gifford; also blue print of premises purporting to be covered by photographs; transmitted in letter of A. W. Rees, June 28, 1912.

This exhibit is not printed, but certified up under order of Court and stipulation of parties.

DEFENDANTS' EXHIBIT 270

consists of photographs purporting to show certain of the lands and improvements thereon involved in the suit, which exhibit is certified up under order of Court and stipulation of parties.

DEFENDANTS EXHIBIT 271

consists of three signed applications made to the Oregon and California Railroad Company by Justus H. Hohl, C. M. Nelson, and Henry M. Williams, respectively, as follows:

DEFENDANTS' EXHIBIT 271

To the Oregon and California Railroad Company—
Land Department.

I, Justus H. Hohl, of East St. Louis, Ill., State of Illinois, do hereby apply to purchase from the Oregon and California Railroad Company the following described premises, to wit: S. E. ¼ of section number 1 in township number 8, South of range number 2 East of Willamette Meridian, in Marion County, State of Oregon, at the price of $2.50 per acre. Said lands being 160 acres of the land now owned and held by said company under and by virtue of the grant of the Congress of the United States of America, and all acts and parts of acts of said Congress pertaining or supplemental thereto. I further state that I am a citizen and resident of the United States and State of Illinois, over the age of 21 years, and that I make this application in accordance with the act of Congress above mentioned; that I will faithfully and honestly endeavor to comply with all the requirements of said act of Congress required of purchasers of said land at said price of $2.50 per acre. That this application is made in good faith, and I desire to purchase said lands for my use and benefit, and not for the use or benefit or as agent of any other person or corporation.

I herewith tender to said Company the sum of $2.50 per acre in payment for said land, amounting in the aggregate to the sum of $400; and demand a deed of

Conveyance from said Oregon and California Railroad Company to myself for said lands.
In presence of

JUSTUS H. HOHL.

HARVEY HITGERT)
GEO. GODION)

State of Illinois)
) ss.
Co. of St. Clair)

I, Justus H. Hohl, being duly sworn, depose and say that I am the person making the above application, and who signed the same; that I know the contents thereof, and the same are true as I verily believe.

JUSTUS H. HOHL.

SUBSCRIBED AND SWORN TO before me this 12th day of June 1909. I further certify my Notarial Commission expires Jany 6, 1910.

E. J. WALLES,
(Seal) Notary Public.

To the Oregon and California Railroad Company—
Land Department.

I, C. M. Nelsen of North Yakima, State of Washington, do hereby apply to purchase from the Oregon and California Railroad Company the following described premises, to-wit: North West quarter of section number 9, in township number 20; South of range number 7, West of Willamette Meridian, in Douglas County,

State of Oregon, at the price of $2.50 per acre. Said lands being 160 acres of the lands now owned and held by said company under and by virtue of the grant of the Congress of the United States of America, and all acts and parts of acts of said Congress pertaining or supplemental thereto. I make this application in accordance with the acts of Congress above mentioned; that I will faithfully and honestly endeavor to comply with all the requirements of said act of Congress required of purchasers of said land at said price of $2.50 per acre. That this application is made in good faith and I desire to purchase said lands.

I herewith tender to said Company the sum of $2.50 per acre in payment for said land, amounting in the aggregate to the sum of $400.00; and demand a deed of Conveyance from said Oregon and California Railroad Company to myself for said lands.

C. M. NELSEN.

In presence of
.....)
.....)

STATE OF WASHINGTON)
) ss.
County of Yakima)

I, C. M. Nelsen, being duly sworn, depose and say that I am the person making the above application, and who signed the same; that I know the contents thereof, and the same are true as I verily believe.

C. M. NELSEN.

SUBSCRIBED AND SWORN TO before me

this 4 day of Oct. 1909

BURTON S. SNYDER
Notary Public for Washington.

To the Oregon and California Railroad Company—
Land Department.

I, Henry M. Williams of Portland, State of Oregon, do hereby apply to purchase from the Oregon and California Railroad Company the following described premises, to-wit Northwest quarter (NW¼) of section number 11 in township number 24; South of range number 2 West of Willamette Meridian, in Douglas County, State of Oregon at the price of $2.50 per acre. Said lands being 160 acres of the land now owned and held by said company under and by virtue of the grant of the Congress of the United States of America, and all acts and parts of acts of said Congress pertaining or supplemental thereto. I further state that I am a Citizen and resident of the United States and State of Oregon over the age of 21 years, and that I make this application in accordance with the acts of Congress above mentioned; that I will faithfully and honestly endeavor to comply with all the requirements of said act of Congress required of purchasers of said land at said price of $2.50 per acre. That this application is made in good faith and I desire to purchase said lands for my use and benefit, and not for the use or benefit or as agent of any other person or corporation.

I herewith tender to said Company the sum of $2.50 per acre in payment for said land, amounting in the

aggregate to the sum of $400.00; and demand a deed of Conveyance from said Oregon and California Railroad Company to myself for said lands.

HENRY M. WILLIAMS.

In presence of
W. F. HALLWELL)
J. H. DEVLIN)

STATE OF OREGON)
) ss.
County of Multnomah)

I, Henry M. Williams being duly sworn, depose and say that I am the person making the above application, and who signed the same; that I know the contents thereof, and the same are true as I verily believe.

HENRY M. WILLIAMS.

SUBSCRIBED AND SWORN TO before me this 9th day of July 1909.

J. H. DEVLIN, (Seal)
Notary Public for Oregon,
Residing at Portland.

DEFENDANT'S EXHIBIT 272

consists of the following:

(a) Blank printed circular letter, containing at the top thereof—"H. W. MILLER, Acting Attorney For Applications For The Purchase Of Oregon And California Railroad Lands, Portland, Ore."

(b) Blank printed form of application to purchase particular lands of the Company within the limits of this Grant, addressed "To the Oregon and California Railroad Company, Land Department."

(c) Printed form of "Power of Attorney" in favor of H. W. Miller.

(d) Printed despatch in Oakland Tribune, California, issue of March 17, 1912, advertising Trewavas, Lee & Co. of 26 Montgomery Street. San Francisco, California, in their business in relation to locating parties upon lands within the limits of these Grants.

(e) Descriptive circular issued by Daniel McDonald, Hotel Chandler, Marshfield, Oregon, with reference to method of locating applicants for the purchase of lands within the limits of these Grants.

(f) Telegraphic despatch of Tuesday, January 27, 1908, from Seattle, Washington, appearing the San Francisco Chronicle on January 28, 1908, advising that Land Commissioner Ballinger had written a letter to the local United States Land Office at Seattle, Washington, warning persons from paying heed to newspaper advertisements of F. P. Rolfe, who was soliciting persons to file on lands of the Oregon and California Railroad Company within the limits of these Grants.

(g) Advertisement by Oregon Development Company, 1110 and 12 Call Bldg., offering to locate applicants on 160 acres of timber lands in Oregon for $150.00.

(h) Letter of Land Commissioner McAllaster of date

March 19, 1912, to Wm. F. Herrin, relative to the activity of Trewavas, Lee & Co. in soliciting applicants for the purchase of lands of the Oregon and California Railroad Company within the limits of these Grants.

(i) Printed circular entitled "RAILROAD LANDS, Statement of Facts", issued by Trewavas, Lee & Co., 26 Montgomery Street, San Francisco, California.

(j) Circular letters of John M. Kreider of St. Louis, Missouri, vouching for Mr. Kreider's integrity, bearing date July 21, 1909; circular of John M. Kreider, Suite 806-7 New Bank of Commerce Bldg., St. Louis, Mo., headed "TIMBER, Opportunity Of A Life-time"; letter of John M. Kreider to A. G. Edwards of Omaha, Nebraska; letter of Land Commissioner McAllaster, July 20, 1909, to Edwin R. Tuttle, Traveling Passenger Agent, U.P. R.R. Co., St. Louis, Mo., enclosing a clipping from an Omaha paper, being an advertisement of J. M. Kreider, headed "OREGON TIMBER". All of the foregoing relating to the activity of John M. Kreider in inducing parties to make applications to purchase lands of the Oregon & California Railroad Company within the limits of these Grants.

(k) Advertisement under the head "TIMBER CLAIMS" by P. O. Box 1206, Tacoma, Washington.

(l) Circular letter of Perkins & Honefenger, attorneys-at-law, Spokane, Washington, appearing in the Evening Telegram of Portland, Oregon, September 16, 1907, describing these lands of the Oregon and Califor-

nia Railroad Company in this suit, and advertising these lands as heavily timbered, and soliciting applications to purchase lands of the Oregon and California Railroad Company within the limits of these Grants. Also on the back of this circular the name of Coats & Horsman, 415-416 Mohawk Block, Spokane, Washington, "RAILROAD LANDS $2.50 PER ACRE, RANGING FORM 3,000,000 TO 6,000,000 FT. TO QUARTER SECTION. DIRECT PURCHASE. NO RIGHTS REQUIRED."

(m) Circular letter of M. P. Alford, Chicago Office 923, 184 LaSalle Street, quoting the Act of April 10, 1869, relating to the Grant made to the Oregon and California railroad Company; printed circular of M. P. Alford headed "EXCEPTIONAL—AN OPPORTUNITY TO FILE ON TIMBER LANDS IN OREGON."

(n) Letter of Wm. D. Fenton, August 9, 1907, to Acting Land Agent Charles W. Eberlein, enclosing advertisements of Howse & Miller, 66 Sixth Street, and of J. E. Verdin, Grants Pass, Oregon, appearing in the "Evening Journal" and "Evening Telegram" of Portland, Oregon, headed as follows: "FOR SALE—TIMBER LANDS" and "TIMBER LANDS" respectively.

(o) Advertisement of Forrest Land Company, 612-618 Shukert Bldg., and 413 Karbach block, under the heads respectively of "OREGON TIMBER LANDS" and "OREGON", appearing in the Omaha World

Herald of December 18, 1909.

There various advertisements thus described are not printed, but certified up under order of Court.

DEFENDANTS' EXHIBIT 273

consists of 87 photographs, purporting to show certain of the lands and improvements therein involved in this suit, which exhibit is certified up under order of Court and stipulation of parties.

DEFENDANTS' EXHIBIT 274

consists of six photographs, purporting to show certain of the lands and improvements thereon, involved in this suit, which exhibit is certified up under order of court and stipulation of parties.

DEFENDANTS' EXHIBIT 275

is described in the testimony of B. A. McAllaster, and was not furnished, or filed.

DEFENDANTS' EXHIBIT 276

purports to be a summary of the "SELECTION LISTS" of the Oregon and California Railroad Company, West Side Grant, East Side Grant, as follows:

DEFENDANTS' EXHIBIT 276
WEST SIDE GRANT
OREGON AND CALIFORNIA RAILROAD COMPANY
SELECTION LISTS.

Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
3/31/77	O.C.	1	91,694.78	17,735.27	Pat.	19,316.48	102.95
					Lost	45,245.04	9,434.80
					Resel.	27,133.26	8,189.77
					Er.Sel.		7.75
					Total	91,694.78	17,735.27
7/22/79	O.C.	2 Lieu		(160)	Er.Sel.		(160)
7/22/79	O.C.	3 Lieu		(80)	Er.Sel.		(80)
12/12/80	O.C.	3	34,368.09	17,014.32	Pat.	21,246.87	

Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
					Unsold	40.00	
					Cont.	40.00	
					Deeded	40.00	
					Lost	13,001.22	8,386.38
					Rear		8,627.94
					Total	34,386.09	17,014.32
	O.C.	Re. 3		8,627.94	Pat.		8,189.77
					Lost		438.17
					Total		8,627.94
11/10/86	O.C.	4	1,349.05		Pat.	1,109.05	
					Resel.	240.00	
					Total	1,349.05	

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Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
(11/20/86)	O.C.	3	61,179.54	400.00	Lost	61,179.54	400.00
(11/27/86)	O.C.	—	62,317.95				
3/5/88	Van.	1		40.00	Pat.		40.00
3/5/88	Van.	2		160.00	Lost		160.00
3/5/88	Van.	1	990.11		Pat.	950.11	
					Lost	40.00	
					Total	990.11	
3/5/88	Van.	2	723.55		Pat.	680.00	
					Lost	43.55	
					Total	723.55	
3/5/88	Van.	3	240.00		Lost	240.00	
11/10/90	O.C.	5		28,622.61	Lost		86.41
					Resel.		8,288.26

Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
					Rear		20,247.94
					Total		28,622.61
	O.C.	1 Re) 5)		20,247.94	Rear		20,247.94
	O.C.	2 Re) 5)		20,247.94	Pat.		20,207.94
					Lost		40.00
					Total		20,247.94
(10/13/90)	O.C.	6		4,360.02	Lost		3,840.02
					Resel.		520.00
					Total		4,360.02
(10/13/90)	O.C.	7		29,789.86	Lost		27,254.66
					Ersel.		2,535.20

Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
					Total		29,789.86
6/8/93	O.C.	8	4,858.53		Pat*	4,858.53	
*includes 249.07 acres East Side Indemnity Lands erroneously patented as West Side Primary.							
7/24/93	O.C.	9	5,180.59				
	O.C.	Re) 9)	5,180.59		Rear.		5,180.59
					Pat.		3,783.58
					Lost		1,347.01
					Total		5,180.59
7/27/93	O.C.	10	3,158,74		Pat.		2,870.04
					Lost		288.70
					Total		3,158.74
9/8/95	O.C.	11	84,091.50		Pat.*	84,091.50	

Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
	*includes 80 acres East Side Indemnity Lands erroneously patented as West Side Primary.						
11/11/95	O.C.	12	1,154.91		Pat.	1,154.91	
6/6/96	O.C.	13		735.80	Pat.		655.80
					Lost		80.00
					Total		735.80
6/25/96	O.C.	14		1,933.78	Pat.		1,933.78
8/4/96	O.C.	15	5,186.92		Pat.*	5,186.92	
	*includes 320 acres East Side Indemnity Lands erroneously patented as West Side Primary.						
1/27/97	O.C.	16	1,680.00		Pat.*	1,680.00	
	*includes 1680 acres East Side Indemnity Lands erroneously patented as West Side Primary.						

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Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
11/8/98	O.C.	17		520.00	Pat.		520.00
7/10/08	Port.	71	.26		Uns.	.26	

SUMMARY.

Status	Acres Primary	Indemnity	Lieu.
Patented	90,274.87	38,303.86	
Unpatented—Unsold	40.26		
Unpatented—Contracted	40.00		
Unpatented—Deeded	40.00		
Lost	119,749.85	51,756.15	
Net Acres Selected	210,143.98	90,060.01	

EAST SIDE GRANT
OREGON AND CALIFORNIA RAILROAD COMPANY
SELECTION LISTS.

Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
7/28/70	O.C.	1	21,867.40		Pat.	21,757.52	
					Lost	109.88	
					Total	21,867.40	
7/28/70	O.C.	2	11,451.09		Pat.	10,797.88	
					Lost	614.89	
					Resel.	38.82	
					Total	11,451.09	
4/29/71	O.C.	3	35,240.78		Pat.	34,868.79	
					Lost	331.99	

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Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
					Er. Sel.	40.00	
					Total	85,240.78	
4/29/71	O.C.	4	25,821.96	40.00	Pat.	25,224.79	40.00
					Lost	500.75	
					Re. Sel.	80.00	
					Er. Sel.	16.42	
					Total	25,821.96	40.00
4/29/71	O.C.	5	15,683.48		Pat.	15,602.63	
					Lost	80.85	
					Total	15,683.48	
4/29/71	O.C.	6	1,045.50	47,715.31	Pat.	876.00	37,353.09

Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
					Lost		40.00
					Re. Sel.	169.50	
					Dup.		5,920.22
					Rear.		4,402.00
					Total	1,045.50	47,715.31
	O.C.	Re.) 6)		4,402.00	Pat.		4,402.00
4/29/71	O.C.	7	160.00	16,096.97	Pat.	160.00	14,772.97
					Rear.		1,324.00
					Total	160.00	16,096.97
	O.C.	Re.) 7)		1,324.00	Pat.		1,324.00
9/21/71	Ros.	1	234,608.50		Pat.	214,046.56	

Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
					Unsold	80.00	
					Deeded	148.64	
					Lost	14,501.28	
					Resel.	4,120.46	
					Er. Sel.	577.89	
					Dup.	1,183.67	
					Total	234,608.50	
9/23/71	Ros.	2		26,548.26	Pat.		26,326.88
					Lost.		20.50
					Dup.		120.00
					Rear.		81.38
					Total		26,548.26
	Ros.	Re.) 2)		81.38	Pat.		81.38

Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
6/21/76	O.C.	8	44,466.04	23,290.36	Pat.	44,146.04	17,487.21
					Lost	320.00	
					Er. Sel.		20.00
					Rear.		5,883.15
					Total	44,466.04	23,290.36
6/21/76	O.C.	Am.) 8)		22,750.99	Pat.		17,206.43
					Rear.		5,544.56
					Total		22,750.99
6/21/76	O.C.	Re.) 8)		5,883.15	Pat.		5,673.15
					Er. Sel		160.00
					Total		5,883.15

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Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
9/27/76	Ros	8	58,408.85	1,867.98	Pat.	57,409.28	1,032.43
					Lost.	484.81	80.00
					Re. Sel.	480.00	40.00
					Er. Sel.		715.55
					Dup.	34.76	
					Total	58,408.85	1,867.98
3/14/77	O.C.	9 Lieu		(1,161.66)	Pat.		(242.55)
					Er. Sel.		(919.11)
					Total		(1,161.66)
6/28/78	O.C.	10	200.00	32,167.86	Pat.	160.00	22,650.78
					Lost	40.00	
					Er. Sel.		79.04
					Dup.		560.00

Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
					Rear.		8,878.04
					Total	200.00	32,167.86
	O.C.	Am.) 10)		18493.84	Pat.		18,493.84
	O.C.	Re.) 10)		13,034.98	Pat.		12,954.98
					Lost		80.00
7/22/79	O.C.	11 Lieu		(160.00)	Lost		(160.00)
7/22/79	O.C.	12 Lieu		(315.58)	Lost.		(315.58)
	O.C.	Am.) 12 Lieu		(275.58)	Lost		(275.58)

Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
8/29/80	Ros.	4	3,070.34	39,688.82	Pat.	640.00	
					Lost		208.52
					Resel.	2,430.34	4,640.00
					Er.Sel.		159.63
					Rear.		34,680.67
					Total	3,070.34	39,688.82
	Ros.	Am.) 4)		36,463.16	Pat.		36,343.53
					Er.Sel.		119.63
					Total		36,463.16
	Ros.	Re.) 4		760.00	Pat.		760.00
8/30/80	O.C.	18	2,117.22	28,244.83	Pat.*	661.22	26,739.80
					Lost	1,488.45	120.00

Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
					Resel.	17.55	320.00
					Rear.		1,065.03
					Total	2,117.22	28,244.83
	*includes 6,283.23 acres West Side Primary lands erroneously patented as East Side Indemnity.						
	O.C.	Re.) 18		1,075.47	Pat.		670.25
					Lost		400.00
					Dup.		5.22
					Total		1,075.47
6/30/80	Ros.	5	69,254.79		Pat.	61,720.98	
					Lost	975.59	
					Re.Sel.	6,558.22	
					Total	69,254.79	

Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
4/12/88	O.C.	14		(191.84)	Lost		191.84
		Lieu					
8/16/86	Ros.	7	11,927.01		Pat.	10.812.50	
					Deeded	4.41	
					Lost	589.55	
					Re.Sel.	520.55	
					Total	11,927.01	
8/16/86	Ros.	8	756.16	40.00	Pat.	756.16	40.00
5/20/87	O.C.	15	97.55		Pat.	97.55	
5/23/87	Ros.	9	941.20		Pat.	941.20	
5/26/87	O.C.	16	160.00		Lost	160.00	
6/13/87	O.C.	16	1,386.70		Pat.	1,346.26	
					Deeded	40.44	
					Total	1,386.70	

Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
6/18/87	O.C.	17		6,122.84	Pat.		3,516.59
					Rear.		2,606.25
					Total		6,122.84
	O.C.	Re) 17)		2,606.25	Pat.		2,566.25
					Resel.		40.00
					Total		2,606.25
7/15/87	Ros.	10	432.30		Pat	432.30	
8/19/87	Ros.	11		58,276.51	Pat.		51,498.41
					Resel.		640.00
					Rear.		6,138.10
					Total		58,276.51

Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
	Ros.	Re) 11)			Pat.		6,138.10
8/26/87	O.C.	18	240.00	99,482.14	Pat.*	240.00	68,312.60
					Rear.		31,169.54
					Total	240.00	99,482.14
	*includes 240 acres West Side Primary lands erroneously patented as East Side Indemnity.						
	O.C.	Re.) 18)		31,172.78	Pat.		29,092.78
					Resel.		2,000.00
					Er.Sel.		80.00
					Total		31,172.78
10/1/87	O.C.	19		640.00	Pat.		640.00
10/6/87	Ros.	12	1,761.88	162,247.62	Pat.	1,721.88	152,146.12

Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
					Lost	40.00	180.00
					Dup.		40.00
					Rear.		9,881.50
					Total	1,761.88	162,247.62
	Ros.	Re.)		9,881.50	Pat.		9.173.87
		12)			Lost		707.63
					Total		9,881.50
2/28/88	Ros.	13	971.88		Pat.	971.88	
3/17/88	Ros.	14		245.17	Pat.		245.17
3/17/88	Ros.	15		7,280.22	Pat.		4,484.88
					Rear.		2,795.34
					Total		7,280.22

Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
	Ros.	Re.) 15)		3,274.30	Pat.		3,080.00
					Unsold		160.00
					Lost		34.30
					Total		3,274.30
		Re.)					
8/18/88	Ros.	16)		9,237.53	Pat.		8,797.53
					Rear.		440.00
					Total		9,237.53
	Ros.	16		440.00	Pat.		440.00
8/18/88	Ros.	17	482.72		Pat.	482.72	
9/3/88	L.V.	1	1,837.86		Pat.	1,837.86	
9/3/88	L.V.	2		39,470.22	Rear.		39,470.22

Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
	L.V.	Am.) 2)		39,459.63	Pat.		38,459.63
					Rear.		1,000.00
					Total		39,459.63
	L.V.	Re.) 2)		1,720.00	Pat.		480.00
					Lost		1,200.00
					Resel.		40.00
					Total		1,720.00
12/27/88	Ros.	18	360.00		Pat.	360.00	
1/28/89	Ros.	19	240.20		Pat.	240.20	
4/15/89	O.C.	20		(160.00)	Lost		(160.00)
		Lieu					
9/16/89	Ros.	20		6,918.49	Pat.		6,918.49
5/15/90	Ros.	21	68,544.37		Pat.	64,652.62	

Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
					Unsold	80.00	
					Lost	3,181.81	
					Resel.	629.94	
					Total	68,544.37	
5/15/90	Ros.	22	2,288.42		Pat.	2,247.28	
					Resel.	41.14	
					Total	2,288.42	
5/15/90	Ros.	23	240.00		Pat.	240.00	
10/8/90	Ros.	24		769.48	Pat.		649.65
					Rear.		119.83
					Total		769.48
	Ros.	Re.)		119.83	Pat.		119.83

Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
		24)					
3/14/91	O.C.	17	2,724.06		Pat.	2,684.85	
					Lost	39.21	
					Total	2,724.06	
3/14/91	O.C.	20		39,822.15	Resel.		39,822.15
(3/4/91)	O.C.	21		3,220.60	Lost		760.00
					Rear.		2,460.60
					Total		3,220.60
9/24/91	O.C.	1 Re)		2,460.60	Resel.		640.00
		21)			Rear.		1,820.60
					Total		2,460.60
	O.C.	2Re)		1,820.60	Pat.		1,820.60

Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
		21)					
	O.C.	22		4,554.16	Lost		325.88
					Resel.		320.00
					Er.Sel.		480.00
					Rear.		3,428.28
					Total		4,554.16
9/24/91	O.C.	1Re)		3,908.28	Rear.		3,908.28
		22)					
	O.C.	Re)		3,908.28	Pat.		3,428.28
		22)			Er. Sel.		480.00
					Total		3,908.28
3/5/92	O.C.	23		241.30	Pat.		241.30
	O.C.	24		6,395.76	Lost		6,395.76

Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
3/8/92	Ros.	25		2,259.07	Pat.		1,879.06
					Lost		80.00
					Rear.		300.01
					Total		2,259.07
	Ros.	Re.) 25)		300.01	Pat.		300.01
4/12/92	Ros.	26		330.83	Pat.		330.83
(5/19/92)	O.C.	24	(Est.)	6,720.00	Rej.		Unsurveyed
(5/19/92)	O.C.	25		1,120.00	Lost		1,120.00
(5/19/92)	O.C.	32	(Est.)	11,520.00	Rej.		Unsurveyed
(5/19/92)	O.C.	33	(Est.)	7,560.00	Rej.		Unsurveyed

Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
(5/19/92)	O.C.	34	(Est.)	7,120.00	Rej.		Unsurveyed
(5/19/92)	O.C.	35	(Est.)	4,800.00	Rej.		Unsurveyed
(5/19/92)	O.C.	36	(Est.)	11,520.00	Rej.		Unsurveyed
(5/19/92)	O.C.	37	(Est.)	2,720.00	Rej.		Unsurveyed
(5/19/92)	O.C.	38	(Est.)	1,280.00	Rej.		Unsurveyed
(5/19/92)	O.C.	39	(Est.)	3,600.00	Rej.		Unsurveyed
(5/19/92)	O.C.	40	(Est.)	8,960.00	Rej.		Unsurveyed
(5/19/92)	O.C.	41	(Est.)	11,520.00	Rej.		Unsurveyed
(5/19/92)	O.C.	42	(Est.)	640.00	Rej.		Unsurveyed
(5/19/92)	O.C.	43	(Est.)	4,480.00	Rej.		Unsurveyed
(7/12/92)	O.C.	44	(Est.)	320.00	Rej.		Unsurveyed

Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
(7/12/92)	O.C.	45	(Est.)	960.00	Rej.		Unsurveyed
(7/12/92)	O.C.	46	(Est.)	720.00	Rej.		Unsurveyed
(7/12/92)	O.C.	47	(Est.)	4,480.00	Rej.		Unsurveyed
(7/12/92)	O.C.	48	(Est.)	3,760.00	Rej.		Unsurveyed
(7/12/92)	O.C.	49	(Est.)	4,800.00	Rej.		Unsurveyed
(7/12/92)	O.C.	50	(Est.)	6,160.00	Rej.		Unsurveyed
(7/12/92)	O.C.	51	(Est.)	11,520.00	Rej.		Unsurveyed
(7/12/92)	O.C.	52	(Est.)	320.00	Rej.		Unsurveyed
(8/16/92)	Ros.	27		3,714.15	Pat.		3,714.15
(10/6/92)	Ros.	30		11,502.67	Rear		11,502.67
	Ros.	Re.) 30)		11,502.67	Rear.		11,502.67

Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
(10/19/92)	Ros.	28		5,739.25	Pat.		5,739.25
(10/19/92)	Ros.	29		11,719.66	Pat.		11,719.66
(11/22/92)	Ros.	31		5,118.40	Rear		5,118.40
	Ros.	Re.) 31)		5,118.40	Pat.		5,118.40
(12/10/92)	Ros.	30B		1,516.89	Lost		1,116.89
					Resel.		400.00
					Total		1,516.89
12/12/92	Ros.	30A		9,985.78	Rear.		9,985.78
	Ros.	Re.) 30A)		9,985.78	Pat.		9,985.78
(12/12/92)	Ros.	32		3,629.86	Rear.		3,629.86
(12/17/92)	O.C.	50		6,275.80	Rear.		6,275.80

Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
12/28/92	Ros.	32A		3,549.86	Rear.		3,549.86
	Ros.	Re.) 32A)		3,549.86	Pat.		3,549.86
(12/28/92)	Ros.	32B		80.00	Lost		80.00
(1/14/93)	O.C.	50B		360.00	Lost		360.00
1/20/93	O.C.	Am.) 49)		4,854.20	Rear.		4,854.20
	O.C.	Re.) 49)		4,854.20	Pat.		4,854.20
1/20/93	O.C.	50A		5,915.80	Rear.		5,915.80
	O.C.	Re.) 50A)		5,915.80	Pat.		5,915.80
(4/19/93)	Ros.	33		2,635.28	Rear.		2,635.28
(4/19/93)	Ros.	34		12,463.72	Rear.		12,463.72

Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
5/22/93	Ros.	33A		2,550.29	Rear.		2,550.29
	Ros.	Re.) 33A)		2,550.29	Pat.		2,388.29
					Lost		162.00
					Total		2,550.29
(5/22/93)	Ros.	33B		84.99	Lost.		84.99
5/22/93	Ros.	34A		12,246.66	Rear.		12,246.66
	Ros.	Re.) 34A)		12,246.66	Pat.		11,086.66
					Lost		1,160.00
					Total		12,246.66
(5/22/93)	Ros.	34B		217.06	Lost		217.06
(6/1/93)	O.C.	27		1,760.00	Lost		1,760.00
	O.C.	28		1,600.00	Lost		1,600.00

Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
(6/8/98)	O.C.	29		7,721.42	Rear.		7,721.42
(6/8/98)	O.C.	30		11,505.88	Rear.		11,505.88
	O.C.	Re.) 30)		11,505.88	Lost		11,505.88
(6/8/98)	O.C.	31		(Est.) 4,120.00	Rej.		Unsurveyed
8/10/98	Ros.	35		7,495.77	Pat.		7,255.77
					Lost		240.00
					Total		7,495.77
	O.C.	Re.) 39)		3,491.22	Rear		3,491.22
8/14/98	O.C.	39A		2,050.80	Rear.		2,050.80
	O.C.	Re.) 39A)		2,050.80	Pat.		2,050.80

Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
(8/14/93)	O.C.	39B		1,440.42	Lost		1,440.42
12/6/93	Ros.	36	522.26		Pat.	482.26	
					Lost	40.00	
					Total	522.26	
1/10/94	Ros.	37		5,512.74	Rear.		5,512.74
	Ros.	Re.) 37)		5,512.74	Pat.		5,512.74
1/10/94	Ros.	38		5,177.46	Rear.		5,177.46
	Ros.	Re.) 38)		5,177.46	Pat.		4,280.93
					Lost		896.53
					Total		5,177.46
(2/2/94)	Ros.	39		960.00	Rear.		960.00

Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
(2/2/94)	Ros.	40		1,441.69	Rear.		1,441.69
3/17/94	Ros.	39A		680.00	Rear.		680.00
	Ros.	Re.) 39A)		680.00	Pat.		680.00
(3/17/94)	Ros.	39B		280.00	Lost		280.00
3/17/94	Ros.	40A		1,200.94	Rear.		1,200.94
	Ros.	Re.) 40A)		1,200.94	Pat.		1,200.94
(3/17/94)	Ros.	40B		240.75	Lost		240.75
6/7/94	Ros.	41	638.24		Pat.	638.24	
(6/21/94)	O.C.	Re.) 29)		7,721.42	Rear.		7,721.42
(7/10/94)	O.C.	32		11,963.24	Rear.		11,963.24
7/20/94	O.C.	48		3,982.52	Rear.		3,982.52

Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
(7/23/94)	O.C.	35		4,793.83	Rear.		4,793.83
(7/25/94)	O.C.	36		11,547.38	Rear		11,547.38
(7/30/94)	O.C.	29B		160.00	Lost.		160.00
9/8/94	O.C.	Re.) 32)		11,963.24	Pat.		11,963.24
9/8/94	O.C.	Re.) 35)		4,793.83	Pat.		4,793.83
9/8/94	O.C.	Re.) 36)		11,547.38	Pat.		11,443.67
					Lost		103.71
					Total		11,547.38
9/8/94	O.C.	Re.) 48)		3,932.52	Pat.		3,772.52
					Lost		160.00
					Total		3,932.52

Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
(9/18/94)	Ros.	42		8,035.81	Rear.		8,035.81
9/28/94	O.C.	29A		8,561.42	Pat.		7,561.42
(12/26/94)	O.C.	58		160.00	Lost		160.00
5/2/95	O.C.	51		160.00	Pat.		160.00
(6/14/95)	Ros.	43		3,431.80	Rear.		3,431.80
(6/18/95)	Ros.	44		11,562.04	Rear.		11,562.04
(6/21/95)	O.C.	Re.) 24)		6,685.76	Rear.		6,685.76
(6/26/95)	O.C.	43		7,244.06	Rear.		7,244.06
7/6/95	Ros.	42A		7,394.98	Pat.		7,894.98
(7/6/95)	Ros.	42B		640.83	Lost		640.83
7/6/95	Ros.	43A		3,311.80	Pat.		3,311.80
(7/6/95)	Ros.	43B		120.00	Lost		120.00

Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
7/6/95	Ros.	45		6,711.09	Pat.		6,631.09
					Lost		80.00
					Total		6,711.09
7/13/95	Ros.	46		3,278.40	Pat.		3,278.40
(8/7/95)	O.C.	24		6,395.76	Lost		6,395.76
(8/7/95)	O.C.	24A		240.00	Lost		240.00
8/7/95	O.C.	Re.) 43)		6,526.90	Pat.		6,526.90
(8/7/95)	O.C.	43A		717.16	Lost		717.16
8/13/95	Ros.	44A		11,043.21	Pat.		11,043.21
(8/13/95)	Ros.	44B		518.83	Lost.		518.83
8/17/95	Ros.	47		3,399.68	Pat.		3,399.68
9/3/95	O.C.	54	7,819.64		Pat.	7,779.64	

Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
					Lost	40.00	
					Total	7,819.64	
9/3/95	O.C.	55	19,303.17		Pat.	19,303.17	
9/9/95	Ros.	48	46,808.17		Pat.	46,448.17	
					Lost	360.00	
					Total	46,808.17	
9/9/95	Ros.	49	217,146.62		Pat.	215,988.13	
					Lost	1,118.49	
					Resel.	40.00	
					Total	217,146.62	
10/12/95	Ros.	50	145,798.04		Pat.	145,552.79	

Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
					Lost	240.25	
					Total	145,793.04	
10/25/95	Ros.	51	96,781.72		Pat.	93,023.12	
					Lost	3,718.60	
					Resel.	40.00	
					Total	96,781.72	
11/2/95	Ros.	53	99,777.64		Pat.	98,908.07	
					Lost	869.57	
					Total	99,777.64	
11/18/95	Ros.	54	87,106.14		Pat.	85,489.23	
					Unsold	15.55	

Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
					Lost	1,601.36	
					Total	87,106.14	
11/21/95	Ros.	52	116,502.47		Pat.	114,419.25	
					Unsold	160.00	
					Lost	1,923.22	
					Total	116,502.47	
11/27/95	Ros.	55	127,183.55		Pat.	124,468.28	
					Unsold	203.40	
					Lost	2,511.87	
					Total	127,183.55	
12/4/95	Ros.	56	4,449.43		Pat.	4,217.81	

Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
					Lost	281.62	
					Total	4,449.43	
(12/21/95)	O. C.	47		4,455.80	Rear.		4,455.80
(12/27/95)	O.C.	47A		320.00	Lost		320.00
12/27/95	Ros.	56		520.00	Pat.		440.00
					Rear.		80.00
					Total		520.00
(12/27/95)	O.C.	56A		80.00	Lost		80.00
(12/31/95)	O.C.	87		2,237.09	Rear.		2,237.09
1/3/96	Ros.	57	14,728.37		Pat.	14,548.37	
					Lost	100.00	

Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
					Resel.	80.00	
					Total	14,728.37	
1/8/96	O.C.	Re.) 47)		4,135.80	Pat.		4,135.80
1/9/96	O.C.	Re.) 87)		2,037.09	Pat.		2,037.09
(1/9/96)	O.C.	87A		200.00	Lost		200.00
1/24/96	Ros.	58		572.60	Pat.		582.60
					Lost		20.00
					Resel.		20.00
					Total		572.60
3/5/96	O.C.	57	31.82		Pat.	31.82	

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Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
3/5/96	Ros.	59	160.00		Pat.	160.00	
3/24/96	Ros.	60		11,655.52	Pat.		10,606.68
					Lost		748.84
					Total		11,355.52
(3/30/96)	Ros.	61A		120.00	Lost		120.00
4/1/96	Ros.	61		11,741.44	Pat.		11,581.44
					Lost		40.00
					Resel.		120.00
					Total		11,741.44
(4/8/96)	O.C.	Re.) 81)		4,196.00	Lost		4,196.00
(4/27/96)	Ros.	62A		168.99	Lost		168.99

Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
4/28/96	Ros.	62		6,831.95	Pat.		6,244.85
					Lost		418.11
					Resel.		168.99
					Total		6,831.95
5/1/96	Ros.	63	44.081.76		Pat.	44,041.76	
					Lost	40.00	
					Total	44,081.76	
6/16/96	L.V.	3		80.00	Lost		80.00
7/7/96	Ros.	64		5,988.39	Pat.		5,988.39
(7/7/96)	Ros.	64 A		160.00	Lost.		160.00
(7/31/96)	O.C.	58		(Est.) 52,920.00	Rej.		Unsurveyed
(7/31/96)	O.C.	59		(Est.) 13,520.00	Rej.		Unsurveyed

Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
(8/15/96)	O.C.	60		4,196.00	Lost		4,196.00
10/26/96	Ros.	65		400.00	Pat.		400.00
4/8/97	Ros.	66		2,241.55	Pat.		2,241.55
11/10/97	Ros.	67	17,019.09		Pat.	17,019.09	
11/12/97	Ros.	68	8,898.26		Pat.	8,898.26	
2/15/98	Ros.	69		13,012.36	Pat.		13,012.36
3/8/98	Ros.	71	15,301.22		Pat.	15,220.77	
					Lost	80.45	
					Total	15,301.22	
3/28/98	Ros.	70		5,898.07	Pat.		5,898.07
5/9/98	Ros.	73	5,787.48		Pat.	5,787.48	
5/23/98	Ros.	72		14,082.84	Pat.		14,082.84
9/9/98	O.C.	61		21,532.99	Pat.		21,382.26

Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
					Unsold		200.78
					Total		21,582.99
10/1/98	Ros.	74		6,828.87	Pat.		6,828.87
10/15/98	Ros.	76	4,512.04		Pat.	4,512.04	
10/24/98	O.C.	62		11,585.28	Pat		11,585.28
10/25/98	O.C.	63	2,863.08	237.09	Pat.	2,863.08	
					Resel.		237.09
11/1/98	Ros.	75	165.21		Pat.	165.21	
11/2/98	Ros.	77	22,577.91		Pat.	22,417.91	
					Lost	160.00	
					Total	22,577.91	
11/8/98	Ros.	78	2,676.33		Pat.	2,676.33	

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Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
11/9/98	O.C.	64	1,286.26		Pat.	1,246.26	
					Lost	40.00	
					Total	1,286.26	
12/28/98	Ros.	79	9,080.33		Pat.	8,678.27	
					Lost	402.06	
					Total	9,080.33	
1/12/99	Ros.	80	1,876.41		Pat.	1,876.41	
4/3/99	Ros.	81	26,623.88		Pat.	26,623.88	
5/15/99	O.C.	65		7,143.51	Pat.		7,143.51
5/16/99	Ros.	82		3,022.96	Pat.		2,862.96

Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
					Lost		160.00
					Total		3,022.96
5/16/99	Ros.	83		11,472.16	Pat.		11,472.16
5/16/99	Ros.	84		11,523.89	Pat.		11,523.89
6/12/99	Ros.	85	15,638.26		Pat.	15,292.42	
					Lost	345.84	
					Total	15,638.26	
6/12/99	Ros.	86	1,128.73		Pat.	1,069.68	
					Lost	59.05	
					Total	1,128.73	
1/29/00	Ros.	87		160.00	Pat.		160.00
2/18/00	Ros.	88		800.58	Pat.		800.58

Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
4/6/00	O.C.	(66 (Lieu		(40.00)	Lost		(40.00)
4/10/00	L.V.	4		838.61	Pat.		198.61
					Lost		640.00
					Total		838.61
5/31/00	O.C.	67		237.09	Pat.		237.09
5/31/00	O.C.	68		880.00	Pat.		880.00
9/27/00	Ros.	(89 (Lieu		(40.00)	Pat		(40.00)
10/12/00	Ros.	69	1,538.14		Pat.	1,538.09	
					Lost	.05	
					Total	1,538.14	

Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
12/5/00	Ros.	91		1,803.46	Pat.		1,803.46
12/27/00	Ros.	90	3,947.75		Pat.	3,947.75	
5/8/01	Ros.	92		328.52	Pat.		328.52
5/13/01	Ros.	93		3,898.96	Pat.		3,898.96
(5/13/01)	Ros.	93 A		4,527.06	Lost		4,527.06
6/6/01	L.V.	5		6,312.91	Pat.		6,312.91
	L.V.	6		4,480.16	Rear		4,480.16
6/17/01	Ros.	94		10,099.40	Pat.		10,099.40
(6/17/01)	Ros.	94 A		120.00	Lost		120.00
7/3/01	Ros.	95	1,501.04		Pat.	1,497.44	
					Lost	3.60	
					Total	1,501.04	

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Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
4/22/02	Ros.	96		19,876.97	Pat		19,876.97
5/3/02	L.V.	Re.) 6)		4,270.16	Pat.		4,270.16
(5/3/02)	L.V.	6 A		160.00	Lost		160.00
	O.C.	70		1,522.70	Rear.		1,522.70
(5/10/02)	O.C.	70A		320.80	Lost		320.80
6/16/02	O.C.	Re.) 70)		1,201.90	Pat.		1,201.90
(6/16/02)	Ros.	96 A		1,574.63	Lost		1,574.63
2/9/03	Ros.	97	40,896.16		Pat.	39,048.71	
					Unsold	865.15	
					Lost	982.30	
					Total	40,896.16	

Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
3/15/04	Ros.	99	27,792.87		Pat.	22,443.95	
					Unsold	5,348.95	
					Total	27,792.87	
4/6/04	Ros.	98		1,922.04	Pat.		1,922.04
8/25/04	L.V.	8	645.82		Pat.	645.82	
(9/10/06)	Ros.	101		11,299.76	Lost		11,299.76
(9/10/06)	Ros.	102		10,233.96	Lost		10,233.96
(9/10/06)	Ros.	103		2,240.00	Lost		2,240.00
(10/14/07)	Port	71	.26		Er. Sel	.26	
(2/21/08)	Port.	72		10,475.10	Lost		10,475.10
(2/21/08)	Port.	73		1,006.60	Lost		1,006.60
3/11/08	Ros.	104	670.60		Unsold	670.60	

Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
(6/30/08)	Ros.	107		363.77	Lost		363.77
(6/30/08)	Ros.	108		284.07	Lost		284.07
7/7/08	Ros.	105		125.00	Unsold		125.00
7/7/08	Ros.	109	1,107.88		Unsold	1,107.88	
9/30/08	Ros.	106	417.88		Unsold	417.88	
(10/23/08)	Ros.	110		160.00	Lost		160.00
(10/23/08)	Ros.	111		160.00	Lost		160.00
11/24/08	Ros.	112		601.41	Unsold		601.41
(11/24/08)	Ros.	113		281.66	Lost		281.66
(11/24/08)	Ros.	114		402.09	Lost		362.09
					Resel.		40.00
					Total		402.09

Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
(10/9/09)	Ros.	115		30.00	Lost		80.00
(11/27/09)	Ros.	100		480.51	Lost		480.51
4/4/10	Ros.	117	160.00		Unsold	160.00	
(5/26/11)	Ros.	118		1,783.09	Lost		1,783.09
6/29/11	Ros.	119		2,756.50	Unsold		2,756.50
(7/26/11)	Ros.	120		1,185.96	Lost		851.75
					Rear.		284.21
					Total		1,185.96
8/4/11	Ros.	114 A		40.00	Unsold		40.00
8/11/11	Ros.	116	10,968.07		Unsold	10,968.07	
8/14/11	Ros.	121 Lieu		(120.00)	Deeded		(120.00)

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Date Certified	Dist.	No.	Acres per plat Primary	Indemnity	Status	Primary	Indemnity
	Port.	74		(30.92)	Deeded		(30.92)
		Lieu					
	Ros.	120 A		284.21	Unsold		284.21

SUMMARY

Status	Acres. Primary	Indemnity.
Patented	1,796,599.41	1,007,336.82
Unpatented—Unsold	20,077.45	4,167.85
Unpatented—Deeded	193.49	
Lost	88,277.29	76,852.47
Net acres selected	1,855,147.64	1,088,357.14

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DEFENDANTS' EXHIBIT 277

is printed in the testimony of Charles W. Eberlein, Volume 4, page 1978, of record.

DEFENDANTS' EXHIBIT 278

is a list of outstanding leases executed by the Oregon and California Railroad Company from October 5, 1910, to July 19, 1912, aggregating 240 leases, covering 24,671.02 acres, and purporting to lease parcels of lands of the Oregon and California Railroad Company within the limits of these Grants.

This exhibit is not printed, but certified up under order of court and stipulation of parties.

DEFENDANTS' EXHIBIT 279

consists of advertisements published under the direction of B. A. McAllaster, Land Commissioner, setting forth the fact that lands of the Southern Pacific Railroad Company and Southern Pacific Land Company were on the market for sale, and setting forth the natural resources of those lands situated in California, Utah and Nevada.

This exhibit is not printed, but is certified up under order of Court and stipulation of parties.

DEFENDANTS' EXHIBIT 280

purports to be a photographic copy of a page of the "Daily Oregonian" of August 12, 1871, and is as follows:

STATE OF OREGON,)
) ss.
COUNTY OF MULTNOMAH.)

I, A. K. Slocum, of Portland, County of Multnomah, State of Oregon, being first duly sworn, depose and say:

That I am the Circulation Manager of the Morning Oregonian, a newspaper of general circulation, published at Portland, County of Multnomah, State of Oregon;

I further depose and say that the attached photograph is an exact reproduction of a portion of the Morning Oregonian of Saturday, August 12th, 1871;

I further depose and say that the advertisement, headed "Railroad Lands," appearing in said photograph of the Morning Oregonian of August 12th, 1871, was published in said paper from August 12th, 1871, to September 11th, 1872, upon the dates listed below:

1871.

August 12th, 16th, 18th, 21st, 23rd, 25th, 28th, 30th;

September 1st, 4th, 6th, 8th, 11th, 13th, 15th, 18th, 20th, 23rd, 27th, 29th;

October 2nd, 4th, 6th, 9th, 16th, 23rd, 27th, 30th;

November 1st, 3rd, 8th, 10th, 15th, 17th, 20th, 24th, 27th, 29th;

December 11th, 13th, 15th, 18th, 20th, 22nd, 25th, 28th, 29th;

1872.

January 4th, 6th, 8th, 10th, 12th, 15th, 17th, 19th, 22nd, 24th, 26th, 29th, 30th, 31st;

February 2nd, 5th, 7th, 9th, 12th, 14th, 16th, 21st, 23rd, 26th, 28th;

March 1st, 4th, 5th, 8th, 11th, 15th, 18th, 20th, 25th, 28th;

April 1st, 3rd, 5th, 8th, 10th, 12th, 15th, 17th, 19th, 22nd, 24th, 29th;

May 1st, 2nd, 4th, 6th, 8th, 10th, 13th, 15th, 17th, 20th, 22nd, 24th, 27th, 29th, 31st;

June 1st, 5th, 6th, 10th, 12th, 14th, 17th, 19th, 20th, 21st, 24th, 26th, 28th;

July 1st, 3rd, 6th, 8th, 10th, 12th, 15th, 17th, 22nd, 24th, 26th, 30th;

August 2nd, 3rd, 5th, 7th, 9th, 12th, 14th, 16th, 19th, 21st, 23rd, 26th, 28th, 30th;

September 3rd, 4th, 5th, 6th, 9th, 11th.

Based upon personal examination of the files.

A. K. SLOCUM.

Subscribed and sworn to before me this 15th day of February, A. D. 1908.

(Seal) FORREST S. FISHER,
Notary Public for Oregon

RAILROAD LANDS.

OFFICE OF LAND DEPARTMENT,

OREGON & CALIFORNIA R. R. CO.

AND

European and Oregon Land Co.,

Portland, Oregon, August 1, 1871.

The company is now prepared to extend the pre-emption privilege of purchasing Railroad Lands in advance of the same being placed in market to all parties desirous of securing them on the following terms:

The applicant filing in this office a claim in the form prescribed, to-wit:

Pre-emption, ——— date, No. ——.

To the Land Agent of the European and Oregon Land Company:

Sir: You are hereby notified that I have settled upon and improved (description of land) in the county of —— State of Oregon, containing —— acres, and that I claim a pre-emption right to purchase said lands at the Company's valuation in accordance with the following resolution of the Directors of said Company, adopted on the twenty-sixth day of May, A. D. 1871, to the terms of which I hereby fully assent:

"Resolved, That the parties settling upon and im-

proving any of the lands of the European and Oregon Land Company, before the same are opened for market, shall be entitled to the pre-emption privilege of purchase on the same terms as the Company would sell the land for without improvement, and shall be subject to the same conditions of payment, as all other lands belonging to the Company, when brought into market; provided, such settlers shall file in the Land Office of said Company, written application, giving notice of such settlement, and shall accept the privilege upon the condition that when the price of the land shall be fixed, notice thereof shall be sent by the Company's Land Agent, through the Postoffice, or otherwise, as may be convenient, to the residence of the party claiming the pre-emption privilege, and if the land is not purchased by the said party within sixty days from the date of such notice, the Company will be at liberty to sell the land to any other person."

(Name of applicant.)

(Postoffice address.)

When the application is received, a certificate, signed by the Agent, obligating the Company to the terms, will be sent to the claimant in the following form:

PRE-EMPTION CERTIFICATE, NO. ——.

This is to certify that ————, of ———— county, State of Oregon, has this day filed in this office a pre-emption claim to (description of promises), and is hereby entitled to the first privilege of purchasing said land

at the Company's valuation, (which is to be made without reference to improvements) when the same shall be placed in market, in accordance with a resolution of the Board of Directors of said Compans, adopted May 26, A. D. 1871.

When the price of the above described land is fixed, notice thereof will be sent to the party to whom this Certificate is issued, and if the land is not purchased by the said party as the holder hereof within sixty days from the date of said notice, the Company will be at liberty to sell the land to any other person.

(Signed) _____,

Land Agent of the E. & O. Land Co.

The lands will be apprised by a competent, dieinterested party, under oath, at their actual present value—no fancy or prospective price on the basis of similar lands in the vicinity, and when appraisement is made they will be sold in quantity not exceeding one hundred and sixty acres to one person, payable in five equal annual instalments, with interest from date of contract, at ten per cent. per annum, principal and interest payable in United States Legal Tender Notes. Warranty deeds given after United States Patent issues, upon payment in full.

Blank forms of application furnished upon request.

I. R. MOORES,

au12d8taw&wtf Land Agent.

DEFENDANTS' EXHIBIT 281

purports to be Form 3311, letter-head of Oregon and California Railroad Company, Land Department, and is as follows:

Form 3311

Standard 7-08-10000

OREGON & CALIFORNIA RAILROAD COMPANY

Land Department

In reply please refer to

8th Floor, Flood Building No.

San Francisco, Cal., March 23, 1909.

FILED
MAY 10 1913
A. M. CANNON
Clerk U. S. District Court.

DEFENDANTS' EXHIBIT 282

purports to be letter-head of Oregon & California Railroad Company, Land Department, and is as follows:

(12-24-06-3M)

OREGON & CALIFORNIA RAILROAD COMPANY

Land Department

8th Floor, James Flood Building

CHARLES W. EBERLEIN,
Acting Land Agent
San Francisco, Cal.,

FILED
MAY 10 1913
A. M. CANNON
Clerk U. S. District Court.

DEFENDANTS' EXHIBIT 283

is copy of Agreement of date October 11, 1886, between the Central Pacific Railroad Company, Pacific Improvement Company, and Southern Pacific Company, for the construction, leasing and operation of the line from Delta to the California-Oregon State Line. This is copy of Exhibit #1 to the joint and several answers of defendants Oregon & California Railroad Company, Southern Pacific Company and Stephen T. Gage in this suit.

DEFENDANTS' EXHIBIT 284

is a certified copy of resolution of Board of Directors of the California & Oregon Railroad Company, adopted October 8, 1866, assenting to the Act of Congress July 25, 1866, and directing the filing thereof in the Department of the Interior, together with the letters attached thereto, and endorsements of acceptance and filing in the Interior Department; the same being certified by the Assistant Secretary of the Interior, on certificate of date April 25, 1911.

This exhibit is not printed, but certified up under order of court and stipulation of parties.

DEFENDANTS' EXHIBIT 285

is a certified copy of reports of Commissioners to the President of the United States, approving and accepting the railroad constructed under the Act of July 25, 1866, from Roseville Junction northward 77.6 miles to a point near Chico, in California, dated August 9, 1870, with indorsements of approval and acceptance thereof by the Secretary of the Interior and the President of the United States, which reports were certified by the Assistant Secretary of the Interior under date of July 22, 1912, and which exhibit, omitting said last named certificate, is as follows:

(Cal. & Oregon)

(Endorsement)

DEPT. OF THE INTERIOR.

January 3, 1871.

Columbus Delano,

Secretary.

Submits to the President Reports of Commissioners on 77 6/10 miles of the California and Oregon Railroad and Telegraph line, with recommendations on the subject.

EXECUTIVE MANSION,

January 3d, 1871.

The within recommendations are hereby approved and the Secretary of the Interior will issue the necessary orders to carry the same into effect.

U. S. GRANT.

Notified Mr. Huntington and Com. of G.L.O. of acceptance.

Jany 26, 71

L^{d} 9^{t} R. R.

DEPARTMENT OF THE INTERIOR.

Washington, D. C., January 3d, 1871.

Sir:

I have the honor to submit herewith, for your action, the reports dated August 9th, 1870 and November 28th, 1870, of Messrs. Lauren Upson, George W. Mowe, and Edgar Mills, appointed by you to examine and report on 77 6/10 miles of the road and telegraph line of the California and Oregon Railroad Company, "commencing at a point in the town of Roseville in the County of Placer in the State of California, where said railroad and telegraph line connects with the Central Pacific Railroad, and thence running northerly along the line of the said California and Oregon Railroad through the City of Marysville to the end of the 77 6/10 mile from said point of commencement, said 77 6/10 mile being at or near the Town of Chico in the County of Butte, California."

The Commissioners in their reports represent that this section of road is completed and equipped as a first class railroad, and that the telegraph line is completed for the same distance, and is first class. I, therefore, respectfully recommend the acceptance of the same and the issue to said Company of patents for the lands due on account of the construction of said 77 6/10 miles of road and telegraph line, agreeably to the provisions of the Act of Congress entitled "An Act granting lands to aid in the Construction of a Railroad and Telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon, approved July 25, 1866, and the Act amendatory thereof approved June 25, 1868.

I am, sir, very respectfully, your obt. servant,

The President. C. DELANO,
Secretary.

Sacramento, California
August 9th, 1870.

To The Hon. Jacob D. Cox,
Secretary of the Interior of the
United States of America.

We, the undersigned, Commissioners of the United States appointed to examine the first, second, third and part of the fourth section of twenty miles each, of the railroad and telegraph line of the California and Oregon Railroad Company, commencing at a point in the Town

of Roseville in the County of Placer in the State of California, where said railroad and telegraph line connects with the Central Pacific Railroad, and thence running northerly along the line of the said California and Oregon Railroad through the City of Marysville to the end of the seventy seven 6/10 (77 6/10) mile from said point of commencement, said 77 6/10 mile being at or near the Town of Chico in the County of Butte California.

CERTIFY; that we have carefully examined such sections and part of section and that the alignment and grades are as represented on the accompanying map and Profile, and are such as, in view of the capabilities of the ground, the Government should accept as first class; that in this distance of seventy seven 6/10 miles there are

113.850	feet of level line.
135.052 9/10	feet of grades from 0 to 5 feet pr. mile.
40.913	feet of grades from 5 to 10 feet pr. mile.
36.586 4/10	feet of grades from 10 to 15 feet pr. mile.
17.650	feet of grades from 15 to 20 feet pr. mile.
11.491 7/10	feet of grades from 20 to 25 feet pr. mile.
15.384	feet of grades from 25 to 30 feet pr. mile.
19.700	feet of grades from 30 to 35 feet pr. mile.
6.550	feet of grades from 35 to 40 feet pr. mile.
11.200	feet of grades from 40 to 45 feet pr. mile.
1.400	feet of grades from 55 to 56 50/ pr. mile.

Total length 409.728 feet, or 77 6/10 miles.

Maximum grade 56 50/100.

That also in this distance there are,

369.546 feet of straight line.
16.341 4/10 feet of curves from 0 to 1°
6.839 feet of curves from 1°
6.609 6/10 feet of curves from 1° to 2°
2.857 feet of curves from 2°
4.490 2/10 feet of curves from 3°
1.000 feet of curves from 4°
851 2/10 feet of curves from 4° to 5°
1.193 6/10 feet of curves from 7°

Total length of straight lines & curves 409.728 feet—77 6/10 miles,

Minimum radius 819 feet.

That all the iron is of American manufacture and of the best quality; that for a distance of twenty-six and one half miles the rails weigh fifty pounds per lineal yard and the joints are made with wrought iron chairs, that the rails for the remainder of the distance weigh fifty six pounds per lineal yard and the joints are made with fish plates and that all the rails are fastened with four spikes to each tie; that there are thirteen sidings having an aggregate length of 15.248 feet connected with the main track, at each end with good switches, and one side track of 420 feet connected with the main track, by means of a similar switch at one end only; that in addition to the foregoing, there is a spur track of 300 feet running to a gravel pit; that there are 2260 ties

per mile, of pine and redwood or red cedar timber 6x8 inches by 8 feet long; that of these 77 6/10 miles of railroad, thirty one miles are ballasted with gravel to a depth of from 8 to 12 inches below the bottom of the ties, and thirty four miles are ballasted to a depth of from 8 to 12 inches below the bottom of the ties with gravel, sand, decomposed granite and such other suitable material as can be obtained from the cuttings and from the ground adjacent to the road bed, and the remaining twelve 6/10 miles (being those immediately south of the Town of Chico, before described) are not now ballasted with gravel, but are in good running order and in daily use for passenger and freight traffic. A ballast train and a force of two hundred men are now employed thereon and the ballasting with gravel will be completed within thirty or forty days from this date; that there are 118 bridges, as follows:

9	Trestle	Bridges	ea.	48	ft.	long—	432	ft.	or	27	spans	16	ft. ea.
8	Trestle	Bridges	ea.	32	ft.	long—	256	ft.	or	16	spans	16	ft. ea.
7	Trestle	Bridges	ea.	64	ft.	long—	448	ft.	or	28	spans	16	ft. ea.
8	Trestle	Bridges	ea.	16	ft.	long—	128	ft.	or	8	spans	16	ft. ea.
8	Trestle	Bridges	ea.	96	ft.	long—	768	ft.	or	48	spans	16	ft. ea.
2	Trestle	Bridges	ea.	80	ft.	long—	160	ft.	or	10	spans	16	ft. ea.
1	Trestle	Bridge	ea.	..	ft.	long—	352	ft.	or	22	spans	16	ft. ea.
2	Trestle	Bridges	ea.	128	ft.	long—	256	ft.	or	16	spans	16	ft. ea.
1	Trestle	Bridge	ea.	..	ft.	long—	368	ft.	or	23	spans	16	ft. ea.
1	Trestle	Bridge	ea.	..	ft.	long—	4304	ft.	or	269	spans	16	ft. ea.
1	Trestle	Bridge	ea.	..	ft.	long—	2088	ft.	or	127	spans	16	ft. ea.
1	Trestle	Bridge	ea.	..	ft.	long—	496	ft.	or	31	spans	16	ft. ea.
2	Trestle	Bridges	ea.	208	ft.	long—	416	ft.	or	26	spans	16	ft. ea.
1	Trestle	Bridge	ea.	..	ft.	long—	224	ft.	or	14	spons	16	ft. ea.
52							10.641	ft.		665	spans	16	ft. ea.

3	Trestle	Bridges	ea.	48	ft.	long—	144	ft.	or	12	spans	12	ft. ea.
13	Trestle	Bridges	ea.	36	ft.	long—	468	ft.	or	39	spans	12	ft. ea.
19	Trestle	Bridges	ea.	12	ft.	long—	228	ft.	or	19	spans	12	ft. ea.
6	Trestle	Bridges	ea.	72	ft.	long—	432	ft.	or	36	spans	12	ft. ea.
15	Trestle	Bridges	ea.	24	ft.	long—	360	ft.	or	30	spans	12	ft. ea.
2	Trestle	Bridges	ea.	84	ft.	long—	168	ft.	or	14	spans	12	ft. ea.
3	Trestle	Bridges	ea.	60	ft.	long—	180	ft.	or	15	spans	12	ft. ea.
1	Trestle	Bridge	ea.	108	ft.	long—	108	ft.	or	9	spans	12	ft. ea.
1	Trestle	Bridge	ea.	96	ft.	long—	96	ft.	or	8	spans	12	ft. ea.
68							2.184	ft.		182	spans	12	ft. ea.

Total number of feet of trestling. 16 and 12 feet spans, 12.825 feet.

One bridge across Bear River.

A Pile Bridge, 1500 feet long; the bents are ten and twelve feet from center to center, with corbels and stringers securely bolted to the bents; the timber is Oregon Pine and the bridge is in every respect a first class structure.

One bridge across Yuba River.

Consisting of thirteen spans of straining beam truss, of sixty feet each, resting on timber pile piers with pile bridge approaches and has an aggregate length of 5.084 feet, and is in every respect a first class structure.

One bridge across Feather River,

Consisting of two spans of Howe Truss, of 172 feet each, resting on timber piers with pile foundations and has pile bridge approaches, making an aggregate length of 2887 feet;

That there is of piling the following:

	1500 feet at Bear River.
19 span 16 ft ea	304 feet
25 span 16 ft ea	400 feet
6 span 16 ft ea	96 feet
7 span 16 ft ea	112 feet
	200 feet
	200 feet
	108 feet
	84 feet

Total length of piling 3004 feet;

that there are 33 culverts, as follows:

8 Box Culverts, 2 x 2 feet, of redwood or red cedar.
1 Box Culvert, 1 x 1 feet, of redwood or red cedar.
1 Box Culvert, 2 x 3 feet, of redwood or red cedar.
8 Box Culverts, 3 x 3 feet, of redwood or red cedar.
4 Box Culverts, 10 feet span, of redwood or red cedar.
1 Box Culvert, 12 feet span, of redwood or red cedar,
2 Box Culverts, 8 feet span, of redwood or red cedar.
6 Box Culverts, 6 feet span, of redwood or red cedar.
1 Box Culvert, 4 feet span, of redwood or red cedar.
1 Box Culvert, 7 feet span, of redwood or red cedar.

—

33 Culverts.

That there are 18 Water Tanks, of 68000 gallons capacity, as follows:

Lincoln, 4 tanks, 14,000 gal. supplied by gravity
Wheatland 1 tank, 3,500 gal. supplied by handpump
Yuba 1 tank, 3,500 gal. supplied by handpump
Marysville 4 tanks, 14,000 gal. supplied by Marysville [Water Works.
Biggs 4 tanks, 14,000 gal. supplied by handpump
Chico 4 tanks, 14,000 gal. supplied by handpump

And that there will be completed at Biggs' Station, within ten days, a water tank of 50,000 gallon capacity, to be supplied by wind Mill power;

That there are no wood or coal houses. Coal not

being used for locomotive fuel, no coal houses are required. Wood houses have not yet been built, trains, at present taking wood from the places where the same is delivered along the line of the road. Suitable wood houses will be built as soon as sufficient length of road is completed to form an independent operating division, so that they can be located at proper points to accommodate through trains;

That there are three section houses of 18 x 30 feet dimensions, for accommodation of employes, south of Marysville. That section houses are not required north of Marysville, the hotels and farm houses along the line of the road, affording ample accommodations for all the workmen employed;

That there are station buildings for the accommodation of the passenger and freight business, as follows:

At Lincoln, one station house built of wood, 34 x 100 feet, sided with rough lumber and covered with shingles.

At Wheatland, a Passenger house built of wood, sided with rough lumber and covered with shingles. Also a freight house, 34 x 100 feet, built of wood, sided with rough lumber and covered with shingles.

At Yuba, a freight house, built of wood, sided with rough lumber and covered with shingles.

At Marysville, a Passenger house, built of brick, 32 x 100 feet, and covered with shingles. Also a freight house, 30 x 100 feet, built of brick and covered with shingles.

At Nelson, a freight house, 32 x 50 feet, built of wood, sided with rough lumber and covered with shin-

gles.

At Chico, a freight house, 50 x 100 feet, built of wood, sided with rough lumber and covered with shingles.

The buildings including the passenger and freight depots, section houses, etc., as heretofore described are sufficient for the present requirements and business of the road. Should its future business require an extension of the present buildings, or the erection of new ones we have the assurance of the Officers that they will be supplied in proper time and place;

That on these 77 6/10 miles there are no lomotive stalls, none being required; that this railroad is running in connection with the Central Pacific Railroad and the shops owned by the Central Pacific Railroad Company are more than sufficient for the thorough repair of the locomotives of both roads;

That there are two turntables, viz: One at Roseville and one at Chico, with 185 feet of track to each, also one Y track at Nelson;

That there are eight locomotives, five passenger cars, fifty box cars, fifty flat cars, two baggage cars and eight hand cars provided for these sections (77 6/10 miles); that all the material above described was procured for this road direct from the shops of the Central Pacific Railroad Company, in Sacramento, and from the shops of first class eastern manufacturers.

And we do certify, that these sections and part of

section of railroad were fully completed and equipped as above stated, as follows: fifty miles, running north from Roseville through Marysville to the end of the fiftieth mile therefrom, on the 17th day of December A. D., 1869, and the remainder thereof, to wit, twenty-six 6/10 miles, from the end of said fiftieth mile to the Town of Chico, aforesaid, on the 29th day of July 1870, and that the same were constructed, completed and equipped fully, as above, within the time and the manner required by law and is first class.

We also certify, that the telegraph line is constructed as follows:

Not less than thirty red wood poles to the mile, size at bottom, 8 x 8 inches; at top, 4 x 4 inches; length 26 feet; and they are set in the ground to a depth of four feet. Number 9 galvanized wire is used. The office instruments are of the very best quality of the most improved style and are furnished by the best manufacturers. And we do certify that it is first class.

L. UPSON
GEO. W. MOWE } Commissioners.
EDGAR MILLS

State of California,
County of Sacramento.

George W. Mowe, Edgar Mills and Lauren Upson being duly sworn, severally, each for himself, says, that he is United States Railroad Commissioner and that the

matters and things set forth in the foregoing statement, by him subscribed are true and correct.

Geo. W. Mowe
EDGAR MILLS
L. UPSON

Subscribed and sworn to before me R. T. Sprague, Justice of the Supreme Court of the State of California, the same being a Court of Record.

Witness my hand and the seal of said Court, this ninth day of August, A. D., 1870.

R. T. SPRAGUE,
Associate Justice Sup. Court
State of California.

I hereby certify that Royal T. Sprague is an acting Justice of said Court; that I am well acquainted with his handwriting and that the signature to the above and foregoing affidavit is his genuine signature.

Witness my hand and the seal of said Court, this 9th day of August, A. D. 1870.

GEO. SECKEL.
(SEAL) Clerk Supreme Court.

Cacramento, California.
November 28th, 1870.

To Hon. Secretary of Interior
of the United States of America.

We, the undersigned Commissioners of the United States, appointed to examine that part of the railroad

and telegraph line of the California and Oregon Railroad Company, commencing at Roseville, California, and ending at Chico, 77 6/10 miles from said point of commencement, on the construction of which we had the honor to submit a Report to your Department, on August 9th, 1870, (which Report was accompanied with the map and profile of the line required by law), beg leave to state:

That in conformity to the instructions in your letter to us, dated Washington, October 26th, 1870, and in compliance with a request contained in a letter from Leland Stanford, President of said Railroad Company, dated November 9th, 1870, which letter was accompanied with a sworn statement of the Chief Engineer of said Railroad, such as is required in your letter, before referred to, we have carefully *re-examined* said 77 6/10 miles of railroad and telegraph line and

Certify; that our Report, dated August 9th, 1870, filed in your Department, (which we hereby re-affirm and refer to as a part of this report) contains a detailed account of all facts, data, quality of material used and manner of construction regarding said railroad and telegraph line, except in the following particulars, viz:

1st. 8980 feet of track have been added to sidings which were then unfinished, making the total number of feet of siding, at this time, 19.648 and of spur track, 800 feet.

2nd. The average number of ties to the mile (2260)

is found to have been erroneously stated. There are, on actual count, 2324 to the mile instead of 2260.

3rd. The ballasting of the 12 6/10 miles, immediately south of Chico, is now completed in the same manner and with the same material as on other parts of the road, and as described in said Report. The ballasting on the entire completed line has been brought up to and is now in the highest state of efficiency.

In connection with the statement of the Chief Engineer, we have carefully examined the road with regard to the quality and weight of the iron (50 pounds per lineal yard,) on the 26 1/2 miles the line, as also its durability and adaptability for the purpose required; the quality and durability of the wood and timber used for ties and for bridges and other structures; the number and extent of the sidings; the erection of wood houses, locomotive stalls and machine shops and the material for the foundations of bridges and for culverts and the manner in which they are constructed, and find that the facts are fully set forth in said statement.

We have taken pains to inform ourselves on these matters, as far as means within our reach would permit, and we have given serious consideration and much thought and reflection to the reasonings and deductions of the Chief Engineer. As the result of such information, thought and deliberation we state, that we have the entire conviction and belief that his conclusions, as

well as his statements, are correct; that we, from our own observation, indorse the same, and give our unhesitating opinion that the railroad and telegraph line should in view of the fact, as well as all the circumstances, be considered "first class."

Attached hereto and forming part of this report are the following papers:

1st. Copy of letter from Hon. J. D. Cox to Hon. A. A. Sargent M. C.

2nd. Letter of Leland Stanford, President of California and Oregon Railroad Company, to Railroad Comrs.

3rd. Sworn statement of S. S. Montague, Chief Engineer, California & Oregon Railroad Company, on construction of road and explanatory.

In explanation of the fact that some of the papers are signed by officers of the "Central Pacific Railroad Company" and that the bills for our services as Commissioners are made out against and paid by said company we desire to state, that on August 22d, 1870, the "California and Oregon Railroad Company" was, under the laws of the State of California, consolidated with and merged into the "Central Pacific Railroad Company" and now bears that name.

Respectfully submitted,

GEO. W. MOWE)
EDGAR MILLS) Commissioners.
LAUREN UPSON)

State of California)ss.
County of Sacramento)

George W. Mowe, Edgar Mills and Lauren Upson being duly sworn, severally each for himself, says, that he is United States Railroad Commissioner and that the matters and things set forth in the foregoing statement by him subscribed are true and correct.

GEO. W. MOWE
EDGAR MILLS
LAUREN UPSON.

Subscribed and sworn to before me, Robert C. Clark, Judge of the County Court in and for the County of Sacramento, California, the same being a court of record.

Witness my hand and the seal of said court, this 28th day of November, A. D., 1870.

ROBT. C. CLARK.

Judge of the County Court in and for the County of Sacramento, California.

I hereby certify that Robert C. Clark is the Acting Judge of said Court; that I as well acquainted with his handwriting and that the signature to the above and foregoing affidavit is his genuine signature.

Witness my hand and the seal of said Court, this 28th day of November, A. D., 1870.

W. B. C. BROWN,

(SEAL) County Clerk, in and for the County of Sacramento, State of California, and Clerk of the County Court thereof.

DEPARTMENT OF THE INTERIOR,

Washington, D. C.,
October 25th, 1870.

Sir:

I have received your letter of this date, stating that during your recent visit to California, you made a personal examination of the California and Oregon Railroad from the junction of the Central Pacific to Chico, and that the departures from the standard of construction prescribed were merely technical, and in every instance in the interest of travel and the construction of a good road, &c.

In reply, I have the honor to state that on the 24th August last, the attention of the Commissioners was called to the fact that in several particulars this portion of the road had not been constructed in conformity with the standard, and they were instructed, when duly informed of its being brought up to the standard, to re-examine it and to report the result to me.

In view of the reasons given by you for departing from the standard of construction, the Chief Engineer of the Company will be allowed to file with the Commissioners an explanation, giving in detail and with explicitness the reasons controling such departures from the standard of construction—also showing wherein the Government and the traveling community have been or are likely to be benefited by them. This explanation will be sworn to by the Chief Engineer before an officer duly authorized to administer oaths, and on being filed

with the Commissioners they will be authorized to forward it with a report on the subject.

Not desiring to finally determine this matter, it will be left for the final action of my successor.

Very respectfully, your obt. servant,

J. D. COX,
Secretary.

Hon. A. A. Sargent,
Present.

CENTRAL PACIFIC RAILROAD OF CALIFORNIA.
THE WESTERN PACIFIC
and the
CALIFORNIA AND OREGON RAIL ROADS.

President's Office.

Sacramento, Nov. 9th, 1870.

Messrs. Lauren Upson)
George W. Mowe)
Edgar Mills)

Commissioners, Ca. & O. R. R.

Gentlemen:

Herewith please find copy of a letter from the Hon. J. D. Cox, Sec. of the Interior to the Hon. A. A. Sargent, also a report from S. S. Montague, Chief Engineer of the Cal. & O. R. R. Co. now consolidated into the Central Pacific R. R. Co.

I desire to invite your attention to the letter and

report, which, with the letter of the Hon. Sec. to yourselves of Oct. 24th, 1870, (with a copy of which I have been furnished) will, I think, sufficiently explain themselves, and warrant me in requesting that you will act at as early a time as you shall find convenient, make a report in accordance with the instructions of the Hon. Secretary.

Respectfully, your obt. servant,

LELAND STANFORD,
President C. P. R. R.

Engineer's Office, C. P. R. R.,
Sacramento, Nov. 7th, 1870.

To

Messrs. Lauren Upson, George W. Mowe, and Edgar Mills.) Commissioners, Cal & O. R. R.

Gentlemen:

I am in receipt of a copy of a letter bearing date of Oct. 26th, 1870, addressed to you by the Hon. J. D. Cox, Secretary of the Interior, also of a copy of a letter from the Hon. Secretary dated Oct. 25th, 1870, addressed to the Hon. A. A. Sargent M. C., wherein the Hon. Secy. states that "on the Chief Engineer of the California and Oregon Railroad Company filing with you a statement under oath, giving in detail and with explicitness the reasons controlling the Company in departing from the standard of construction prescribed, etc.," "you will be authorized to forward said statement

with your report on the subject." I am also in receipt of a copy of your report dated August 9th, 1870, on the completed section of 77 6/10 miles of the California and Oregon Railroad from its junction with the Central Pacific Railroad to the Town of Chico in the County of Butte, together with a copy of a letter to you, from the Hon. Secretary of the Interior dated August 24th, 1870, declining to accept said report, on the grounds that the road is not constructed in a "first class" manner, and citing several items in the construction which the Hon. Secretary cliams are not in accordance with the proper standard.

I herewith present a brief review of said letter (last referred to), and the reasons why the standard of construction should be considered *"first class."*

First class road. The elements of a "first class" railroad cannot always be properly judged by an arbitrary standard.

If the wants of the traffic which is to pass over a road, and the requirements of its general business, have been fairly considered and provided for, and if the road has been built of the best materials obtainable in the vicinity, or within a reasonable distance of its line; and if moreover it is found when completed, that it is more than adequate to the transaction of the business anticipated, and fully equal in point of capacity for transportation of passenger and freight, to any similarly located road in the United States, I think it may fairly be claimed to be "first class."

That this has been done in the case under consideration, I think can be plainly demonstrated.

Though there is nothing in the Act of Congress requiring the standard of construction to conform strictly to that of the Central Pacific Railroad, and though no official notice to that effect has ever come to this office from the Department of the Interior, it has been the intention to build the road upon the standard referred to, and the only departure therefrom has been in minor details that do not affect its permanency or value as first class road.

Iron. The iron used is all of the best quality, and though a portion of it is lighter than the standard referred to by the Hon. Secy., its durability upon the light grades and straight lines of this road will greatly exceed that of a much heavier rail upon the Central Pacific R. R., where the use of the heaviest class of rolling stock is a necessary consequence of its heavy grades and sharp curves. In fact the iron weighing 66 lbs. per yard (10 lbs. heavier than required by the Scy. of the Interior) which is laid on the mountain portion of the C. P. R. R., will require to be replaced with new rails long before the lighter iron in question has become seriously impaired. If then the lighter iron in its place is better capable of performing its duty, bearing lighter trains on an easier line, than the heavier iron on the C. P. R. R., (which is first class), why may it not be fairly considered "first class" also?

Sidings. In regard to the sidings which the Hon.

Secy. correctly states are less than six per cent (6 per cent) of the completed line, I can also say that they are fully adequate to the present requirements of the Company's business. Sidings that were incomplete at the date of the Commissioners report have since been finished, adding 3980 feet to the total then reported. As future business may require the extension of present sidings, or the construction of new ones, they will be built; but to build them now, would be only to incur useless expense, and to run the risk of a future additional cost of removing stations that were not needed, to more eligible points when the development of future business may indicate their necessity.

Ties. The ties used on this road are of pine and redwood, as stated in the report of the Commissioners, and are of precisely the same size and quality as the ties used on the Central Pacific Railroad being not less than 6 x 8 inches and 8 feet in length. Hardwood for joint ties has never been used on the Central Pacific or any other road on the Pacific coast, the pine and redwood grown here being considered preferable to any of the hard woods in durability and as they are placed as near together at the joints as practicable in view of proper tamping, the joint is better supported than it could possibly be by a single tie placed directly beneath it.

In regard to the number used per mile, I find by actual count (since the receipt of the letter of the Secy. of the Interior above referred to) that the number was understated in the Commissioners report, the average

being 2824 per mile.

As I have before stated it has always been the intention to make this road equal in every respect to the Central Pacific; and with that object in view the track in particular has been looked to with the greatest care.

The argument that lighter iron and a less number of ties per mile may at the same time be safely used without impairing the value of the roads as regards its permanence and adaptability to the business to pass over it, may at first seem inconsistent; but when it is considered that the additional ties used on the heavy grades and sharp curves of the mountain divisions of the Central Pacific frequently aggregating 2650 per mile, were not altogether required for the vertical support of the rail, but to prevent its lateral displacement, it is at once apparent that with the cause, the necessity is also removed for using a like unusual number on the plains where the light grades and straight lines so much facilitate the working of the road, and diminish its wear and tear. Again, the displacement of the track by frost never occurs on the valley roads in California and track can be repaired with facility at all seasons of the year, and the necessity for an increased bearing surface in consequence of the unequal support from the road bed caused by freezing is entirely removed.

These questions were all considered in their proper bearings and relation to the construction of the different portions of the C. P. and W. P. R. R.'s, and the track upon the latter was laid in a similar manner to the track

of the Cal. and O. R. R., as regards the number and quality of ties used, and so reported by the Commissioners, viz: 2260 per mile (though they probably exceed that number) which report was not objected to. As the Western Pacific was constructed under the same General Act of Congress as the Central Pacific (and is now consolidated with it, as is also the Cal. and O. R. R.) it was considered that the standard adopted and adhered to on the one, would be deemed suitable and acceptable for the other.

Ballasting. Since the date of the Commissioners report the ballasting has been completed.

Locomotive stalls and Machine Shops. Locomotive stalls and machine shops are required only at the terminal of operating divisions. Sacramento being practically the southern terminus of the C. & O. R. R., as all trains from that road run over the C. P. R. R., from Junction to Sacramento, all necessary repairs are made at the shops of the C. P. R. R. in this city, and there are also locomotive stalls at the same place sufficient for the accommodation of all locomotives from the C. & O. R. R., that may be detained there.

The proper point for the northern terminus of the first operating division has not yet been reached with the constructed road, it being in the vicinity of Red Bluff, and consequently any expenditure for permanent buildings for shops of locomotive stalls would be useless and uncalled for, as their removal would become a necessity within a few months, or as soon as the road is completed to Red Bluff.

Coal and Woodhouses. Coal is not used, and woodhouses have not been built for the reason that in the exceedingly dry atmosphere of California it has been found unsafe to store wood in large quantities in the immediate vicinity of the track from its liability to take fire from passing trains, and the distribution of wood at considerable intervals along the line has been found a necessity, and its transportation in small quantities at a time to the "wooding" platforms at stations where it is used, the only safe and economical plan to be pursued.

Bridges. It is objected by the Hon. Secy. that "the bridges, 118 in number, and of a total length of 15829 feet, are constructed wholly of wooden trestles or piles." This is the case with the exception of the bridges across the Yuba and Feather rivers, the only streams of importance that are crossed upon the section of the road under consideration. A reference to the Commissioners report will show that the above named bridges were constructed as follows: "One bridge across the Yuba River consisting of thirteen (13) spans of straining beam truss of sixty (60) feet each, resting on timber and pile piers, with pile approaches and has an aggregate length of 5084 feet; on bridge across the Feather River consisting of two spans of Howe Truss of 172 feet each resting on timber piers with pile foundations, and has pile bridge approaches, making an aggregate length of 2337 feet." The approaches to the bridges above mentioned are constructed of piling, or of trestle bents with pile foundations, and extend across the low flats bor-

dering the streams, which are subject to overflow at times of high freshets. This is the only suitable or practicable manner of providing the necessary water way at these places. The same necessity for a large water way exists at all other places where piling has been used. The face of the country being so nearly level that the drainage is much slower, and the tendency to accumulation much greater than in a rolling or hilly country. In the few places where under ordinary circumstances culverts would have been sufficient to accommodate the drainage, no suitable material for their construction could be obtained, and the adoption of trestle work was a necessity. I may mention here that there does not exist along the line of the road between the Junction and Chico, or in its vicinity any kind of stone suitable for culverts or other structures. The same facts were true in relation to the Western Pacific R. R. between Sacramento and the Livermore hills, a distance of 70 miles, and the same class of construction was used and accepted there that is objected to on the Cal. and O. R. R. The material used in the construction of trestles and culverts is generally the black, or coast redwood or red cedar (the same that is used for ties), which according to the experience and observation of the oldest residents upon the coast, may be considered nearly if not quite indestructable by the ordinary process of decay. It can be found everywhere in the most exposed situations and is universally sought where permanency and durability are required. It is used in the foundations of the most expensive buildings in San Francisco, where

the permanency of the structure depends entirely upon its durability, and in places where the best Eastern oak or other hardwoods would decay in a very few years. It may be seen in the old Mission buildings in various parts of the State where for 75 or 100 years it has resisted decay, and is today apparently as sound as when placed there.

I think when viewed in their proper light the objections urged by the Honorable Secretary will be found untenable, and that they have arisen in consequence of an insufficient explanation in regard to the points cited by him, which it is hoped the present report will supply.

If as the Hon. Secy. states, the Central Pacific R. R. is to be taken as a standard and the difference in the physical characteristics of the two roads are fairly and impartially considered, the C. and O. R. R. must be considered as "first class" also.

Respectfully submitted,

SAM S. MONTAGUE,

Chief Engineer,

C. P. R. R.

Subscribed and sworn to before me this 9th day of November, A. D., 1870.

CHARLES J. TORBERT,
Notary Public in and for Sacramento County, California.

DEFENDANTS' EXHIBIT 286

Purports to be balance sheet of the General Ledger of the Oregon & California Railroad Company, for eleven months ending May 31, 1912, and is as follows:

File No.....

(5-19-09—300-S-6974) Form 3726

OREGON AND CALIFORNIA RAILROAD COMPANY

Balance Sheet of General Ledger for the 11 Months Ending May 31, 1912.

Ledger. Folio.	Capital Assets and Liabilities.	Assets.	Liabilities.
	10. Capital Expenditures.		
1-1	Cost of Road and Franchises,	36,791,228.12	
2-5	Additions and Betterment,	4,131,296.46	
3-9	Equipment,	95,918.00	
	Real Estate,		
5-12	Abandoned property		14,967.42
67-250	Motor Car Line Ashland, Oregon, Construction	34,252.62	
6-15	Construction, Henderson to Springfield	171,812.69	
7-875	Mortgage of July 1, 1887		4,8[illegible]00
155	Property Investment Restated		

Ledger Folio.	Capital Assets and Liabilities.	Assets	Liabilities.
159	Property Investment to June 30, 1907, Road and Equipment		
163	Property Investment since June 30, 1907, Road		
167	Property Investment since June 30, 1907, Equipment.		
171	Property Investment since June 30, 1907, General Expenditures		
	12. Land Grant Accounts.		
15-18	Land Contracts (Subsequent to May 12, 1887),	168,529.20	
	13. Land Trust Funds.		
16-75	Land Trust Fund,	677,287.20	
17-22	Trustee of Mortgage of July 1, 1887,		677,287.20

Ledger Folio.	Capital Assets and Liabilities.	Assets	Liabilities.
18-27	Union Trust Co. of New York, Trustee Mtge. 1887, 14. Capital Stock.	242,859.76	
19-63	Common Stock,		7,000,000.00
20-64	Preferred Stock,		12,000,000.00
	15. Funded Debt.		
21-65	First Mortgage 5% Bonds of 1887,		17,734,000.00
22-67	First Mortgage 5% Bonds of 1887 Registered,		11,000.00
	10. Capital Expenditures Continued.		
13-7	Additions and Betterments Appropriated from Income		267,889.00
14-14	Equipment Appropriated from Income		28,026.42
	Current Assets and Liabilities 34. Individuals and Companies.		
23-38	Deposits with Land Department,	8,043.85	

Ledger Folio.	Capital Assets and Liabilities.	Assets	Liabilities.
	36. Audited Vouchers.		
24-143	Accounts Payable, Land Department,	10,307.14	
	38. Loans and Notes Receivable.		
25-46	Land Contracts prior to May 12, 1887,	16,041.57	
	Land Contracts, Miscellaneous,		
	40. Interest on Coupon Bonds.		
26-72	Coupons Unpaid,		217,625.00
	41. Interest on Registered Bonds.		
27-74	Interest on Registered First Mortgage 5% Bonds,		275.00
	42. Interest Accrued But Not Due.		
28-86	Interest Accrued on Bonds but not due,		369,687.50
68-177	Rental Accrued on Lease of Road	2,083.33	

Ledger Folio.	Capital Assets and Liabilities.	Assets	Liabilities.
69-179	Interest Accrued on Open Acc't. with S. F. Co.		
70-181	Interest accrued on open account with Ore. & Cal. Land Co.,		601.85
	44. Stocks Owned Unpledged.		
29-249	Ore. & Cal. Land Co., Capital Stock	29,282.11	
	San Francisco, Cal., July, 1912.		
	Forward,	42,370,848.20	38,547,242.12

OREGON AND CALIFORNIA RAILROAD COMPANY,

Balance Sheet of General Ledger for the 11 Months Ending May 31, 1912.

Ledger Folio.	Deferred Assets and Liabilities	Assets.	Liabilities.
	Brought Forward,	42,370,848.20	38,547,242.12
	72. Individuals and Companies.		
30-32	Land Department Expenses (Mortgage 1887),	52,679.26	
31-36	Land Department Taxes (Mortgage 1887),	361,356.10	
32-42	Land Proceeds Reserved for Expenses and Taxes,		995,321.65
33-39	Land Dept. Exps. and Taxes due from Trustee June 30, 1911	1,010,336.84	

Ledger Folio.	Deferred Assets and Liabilities.	Assets.	Liabilities.
34-66	Union Trust Company, Trustee —Special Deposit	1,800.00	
	74. Investments.		
	Lands and Townsites,		
	Contingent Assets and Liabilities.		
	93. Unadjusted Accounts.		
51	Unadjusted Accounts,	315.42	
36-29	Union Trust Co., Trustee, Unadjusted,	8,549.54	
	Coupons Called Bonds,		
37-88	Unpaid Dividends Preferred Stock,		1,826.76
38-378	Unpaid Bond Interest,		1,110.00
39-378	Reserve for Outstanding Bonds of 1870,		2,021.62
40-375	First Mortgage 5% Bonds Called for Redemption,	1,000.00	

Ledger Folio.	Deferred Assets and Liabilities.	Assets.	Liabilities.
41-69	First Mortgage 5% Bonds Called But Not Presented,		1,000.00
	100. Proprietary Companies.		
42-62	Southern Pacific Company,	4,899,811.02	
	Southern Pacific Railroad Co.,		
44-147	Oregon and California Land Company,	10,727.99	
	106. Principal of Deferred Payments on Land Contracts (Mtge. 1887)		
45-81	Principal of Def'd Payments on Land Contracts (Non-Trust),	168,529.20	
46-88	Principal of Def'd Payments on Land Contracts (Misc.),	16,041.57	

Ledger Folio.	Deferred Assets and Liabilities.	Assets.	Liabilities.
	Total Assets and Liabilities,	43,807,385.36	44,143,631.93
	Profit and Loss.	Debit.	Credit.
	110. Income Accounts.		
47-111	Rental from Southern Pacific Company,		4,583.33
48-185	Proceeds from Sale of Unmortgaged Granted Lands,		164.00
49-108	Income from Unmortgaged Granted Lands,		342.03
	Income from Miscellaneous Lands (Non-Trust),		
	Sales, Lands and Townsites,		
	Rentals, Leased Lands and Townsites,		
50-180	Interest on Funded Debt,	813,312.50	

Ledger Folio.	Deferred Assets and Liabilities.	Assets.	Liabilities.
51-874	Interest, Discount and Exchange,	601.85	
52-118	Land Department Expenses (Non-Trust),	2,821.80	
53-121	Land Department Taxes (Non-Trust),	3,084.88	
54-126	General Expenses,	7,597.78	
55-175	Privilege to Cross Right of Way		180.75
65-247	Interest, Discount and Exchange —Special,	217,994.88	
	Total Income Accounts	1,045,412.14	5,220.11
56-98	118. Proceeds from Sales of Granted Lands,		1,470,279.61
57-246	Income from Land Trust Fund,		36,787.51

Ledger Folio.	Deferred Assets and Liabilities.	Assets.	Liabilities.
58-91	119. Profit and Loss,	803,121.66	
	Approved. Auditor.		
	Total Profit and Loss,	1,848,588.80	1,512,287.23
	Total Assets and Liabilities,	43,807,385.86	44,143,681.93
	Total,	45,655,919.16	45,655,919.16

DEFENDANTS' EXHIBIT 287.

purports to be two sheets: Standard Form 77, Unmortgaged Lands of Oregon & California Railroad Company, Land Transactions for April, 1911; Form 78, Land Transactions for April, 1911, Covered by First Mortgage to Union Trust Company, New York, Dated July 1, 1887, and is as follows:

Form 77 Standard (Old Form 3777)

OREGON AND CALIFORNIA RAILROAD COMPANY,

Land Transactions for April 1911

Unmortgaged Lands

CASH ABSTRACT

CASH RECEIPTS DURING MONTH

	Receipts	Disbursements
Cash sales		
First payments on Time Sales		
Principal of Deferred payments	20.00	
Interest on Deferred Payments	2.40	
Land Leases		
Miscellaneous Leases		
Stumpage and Depredations		

		Receipts	Disbursements
Expenses Re-collected	62		
Taxes Re-collected			
Sales not yet perfected			
		23.02	
Southern Pacific Company		726.83	

CASH DISBURSEMENTS DURING MONTH

Principal refunded, Canceled Sales		
Interest Refunded, Canceled Sales		
Land Leases Refunded		
Sales not yet perfected		
Expenses of Land Department	133.52	
Taxes	616.33	
		749.85
Total	749.85	749.85

BALANCE SHEET

DEBIT ACCOUNTS

	Debit	Credit
Land Contracts Outstanding	16,225.57	
Discount allowed on sales		
Expenses of Land Department	327,575.69	
Taxes	54,021.80	

	Debit	Credit
European and Oregon Land Company	32,074.02	
Southern Pacific Company	338,471.37	
CREDIT ACCOUNTS		
Cash Sales—From April 1, 1870, to date		97,804.04
Time Sales—from April 1, 1870, to date		451,740.55
Forfeitures—Principal forfeited account Canceled Sales		39,284.96
Interest on Deferred Payments		178,296.38
Income from Lands Leased		181.99
Income from Miscellaneous Leases		
Income from Stumpage and Depredations		875.50
Sales not yet Perfected		10.00
Vouchers Payable		175.48
Total	768,868.85	768,868.85

Auditor's Office, San Francisco, Cal. May 11, 1911.

EXPENSES

	Month of Apr 1911	July 1, 1910, to Apr. 30, 1911	Total to Apr. 30, 1911
1. Advertising			30,518.58

	Month of Apr 1911	July 1, 1910, to Apr. 30, 1911	Total to Apr. 30, 1911
2. Agencies			
3. Commissions			
4. Law Expenses	.48	221.41	27,678.26
5 Examinations and Appraisals	56.71	580.72	6,414.45
6. Patent Fees and Contests			12,924.75
7. Salaries and Expenses—General Offices	68.52	635.85	128,202.07
8. Salaries and Expenses—Miscellaneous	1.54	242.69	116,351.01
9. Stationery and Printing	77	44.80	5,486.57
Total	127.97	1,724.97	327,575.69
10. Taxes	720.62	2,339.76	54,021.30
Total Expenses and Taxes	848.59	4,064.73	381,596.99

SALES

	Month of Apr 1911	July 1, 1910, to Apr. 30, 1911	Total to Apr. 30, 1911
Cash Sales			99,898.99

	Month of Apr 1911	July 1, 1910, to Apr 30, 1911	Total to Apr. 30, 1911
First Payments on Time Sales			83,879.37
Deferred Payments on Time Sales			670,607.03
Total Sales			854,385.39
Sales Canceled		271.82	304,840.80
Net Sales		271.82	549,544.59

*CONTRACTS

**Contracts cover the principal of deferred payments only*

	Month of Apr 1911	July 1, 1910, to Apr. 30, 1911	Total to Apr. 30, 1911
Contracts Issued			670,607.03
Contracts Paid	20.00	84.00	407,412.85
Contracts Canceled		320.00	246,968.61
Contracts Outstanding			16,225.57

CANCELLATIONS

	Month of Apr 1911	July 1, 1910, to Apr. 30, 1911	Total to Apr. 30, 1911
Number of Acres		82.25	111,441.70
Principal Refunded		48.18	18,587.28
Principal Forfeited			39,284.96
Contracts Canceled		320.00	246,968.61
Total		271.82	304,840.80

LAND SALE STATISTICS

	Month of Apr 1911	July 1, 1910, to Apr. 30, 1911	Total to Apr. 30, 1911
Acres Sold			317,061.99
Amount of Sales			$854,385.39
Average Price per Acre			$2.69
Number of Purchasers			3,960
Average Number of Acres to each Purchaser			80.07

Certified Correct: J. CARTER.

A. D. McDONALD.

Per C. D. LINCOLN, Auditor.

Form 78 Standard (Old Form 3774)

OREGON AND CALIFORNIA RAILROAD COMPANY,

Land Transactions for April 1911

Covered by First Mortgage to Union Trust Company of New York, Dated July 1, 1887

CASH ABSTRACT

CASH RECEIPTS DURING MONTH

		Receipts	Disbursements
Cash Sales			
First Payments on Time Sales			
Principal on Deferred Payments	506.00		
Interest on Deferred Payments	146.30		
Land Leases	200.00		
Miscellaneous Leases			
Stumpage and Depredations			
Expenses Re-collected	21.88		
Taxes Re-collected	13.80		
Sales not yet Perfected	1,076.23		
		1,964.21	
Southern Pacific Company		10,902.70	

CASH DISBURSEMENTS DURING MONTH

		Receipts	Disbursements
Principal Refunded, Canceled Sales			
Interest Refunded, Canceled Sales			
Land Leases Refunded			
Sales not yet perfected			
Expenses of Land Department Paid	2,542.19		
Taxes	10,324.72		
			12,866.91
Total		12,866.91	12,866.91

BALANCE SHEET

DEBIT ACCOUNTS

	Debit	Credit
Land Contracts Outstanding	214,847.04	
Discount allowed on sales		
Expenses of Land Department	856,967.15	
Taxes	1,778,212.80	
Southern Pacific Company	1,882,601.58	

CREDIT ACCOUNTS

Cash Sales—From July 1, 1887, to date	575,661.89
Time Sales—from July 1, 1887, to date	3,213,616.55
Forfeitures—Principal forfeited account Canceled Sales	48,920.10

	Debit	Credit
Interest on Deferred Payments		846,954.81
Timber Sales		18,850.25
Interest on Timber Sales		671.75
Income from lands leased		3,850.08
Income from Miscellaneous Leases		1,500.05
Income from Stumpage and Depredations		9,812.42
Sales not yet Perfected		3,905.08
Coburg Town Lots		1,846.00
Vouchers Payable		2,040.14
Total	4,727,628.57	4,727,628.57

Auditor's Office, San Francisco, Cal., May 11, 1911.

EXPENSES

	Month of Apr 1911	July 1, 1910, to Apr. 30, 1911	Total to Apr. 30, 1911
1. Advertising			4,266.27
2. Agencies			
3. Commissions			
4. Law Expenses	6.51	4,810.50	190,736.99
5. Examinations and Appraisals	1,077.81	11,086.55	136,236.95

	Month of Apr 1911	July 1, 1910, to Apr. 30,	Total to Apr. 30,
6. Patent Fees and Contests			133,052.51
7. Salaries and Expenses—General Offices	1,309.93	12,166.68	290,419.18
8. Salaries and Expenses—Miscellaneous	1,601.34	8,948.90	89,371.98
9. Stationery and Printing	14.51	734.32	12,883.32
Total	4,010.10	37,246.95	856,967.15
10. Taxes	10,960.11	290,529.11	1,773,212.80
Total Expenses and Taxes	14,970.21	327,776.06	2,630,179.95

SALES

	Month of Apr 1911	July 1, 1910, to Apr. 30, 1911	Total to Apr. 30, 1911
Cash Sales		50.00	577,021.64
First Payments on Time Sales			275,903.48
Deferred Payments on Time Sales		87.10	3,466,174.05
Total Sales		137.10	4,319,099.17
Sales Canceled		3,500.59	529,821.23
Net Sales		3,363.49	3,789,277.94

*CONTRACTS

**Contracts cover the principal of deferred payments only*

	Month of Apr 1911	July 1, 1910, to Apr. 30, 1911	Total to Apr. 30, 1911
Contracts Issued		87.10	3,466,174.05
Contracts Paid	506.00	76,284.42	2,775,016.02
Contracts Canceled		2,965.01	476,810.99
Contracts Outstanding			214,847.04

CANCELLATIONS

	Month of Apr 1911	July 1, 1910, to Apr. 30, 1911	Total to Apr. 30, 1911
Number of acres		988.33	100,963.63
Principal Refunded		35.22	4,590.14
Principal Forfeited		500.36	48,920.10
Contracts Canceled		2,965.01	476,810.99
Total		3,500.59	529,821.23

LAND SALES STATISTICS

	Month of Apr 1911	July 1, 1910, to Apr. 30, 1911	Total to Apr. 30, 1911
Acres Sold		38.04	726,768.25
Amount of Sales		$187.10	$4,319,099.17

Average Price per Acre	$3.60	$5.94
Number of Purchasers	2	3,654
Average Number of Acres to each Purchaser	19.02	198.90

Certified Correct: J. CARTER.
A. D. McDONALD.
Per C. D. LINCOLN, Auditor.

DEFENDANTS' EXHIBIT 288

purports to be a statement of Government freight and passenger transportation over the road between Portland, Oregon, and Roseville, California, covering years 1906 to 1910 inclusive, showing proportions accruing north and south of Oregon-California State Line, and is as follows:

Below is statement of Government freight and passenger transportation over the free road between Portland, Oregon, and Roseville, California, for years 1906 to 1910 inclusive, showing proportions accruing north and south of Oregon-California State Line:

Freight

Year	Tons	Oregon	California	Total
1906	5704	$ 31,287.89	$ 25,416.83	$ 56,704.72
1907	2526	11,488.79	9,320.18	20,808.97
1908	7820	30,281.36	18,897.27	49,178.63
1909	10189	31,865.03	22,177.47	54,042.50
1910	9304	31,110.32	19,750.92	50,861.24
		136,028.89	95,562.67	231,591.06

	No. Pass.	Passenger.		
1906	7248	61,900.95	49,793.30	111,694.25
1907	2036	17,489.96	14,068.97	31,558.93
1908	4827	33,705.76	24,313.62	58,019.38
1909	3642	28,722.91	22,886.14	51,609.05
1910	5706	37,980.37	28,615.68	66,596.05
		179,799.95	139,677.71	319,477.66

In addition to the said amount, the defendant Oregon & California Railroad Company received the following amounts between April 1st, 1870, and April 30th, 1911, for which no land nor interest in land was disposed of or parted with; and in most instances such receipts were related to and arose out of the same lands accounted for above as disposed of:

Received, from forfeitures under contracts	$ 88,205.06
Received, for interest on contracts	1,025,922.89
Received, for land leases	5,532.07
Total	1,119,660.02

DEFENDANTS' EXHIBIT 289

purports to be a full and correct statement of the total amounts received by the defendant Oregon & California Railroad Company, from and in the sale and disposition of the lands of the East Side and West Side grants, from April 1, 1870, to April 30, 1911, and is as follows:

The following is a full and correct statement of the

total amounts received by the defendant Oregon & California Railroad Company, from and in the sale and disposition of the lands of the East Side and West Side grants, from April 1st, 1870, to April 30th, 1911:

Received, from the sale of lands		$4,338,822.53
Received, from the sale of timber on lands		18,850.25
Received, from timber depredation settlements		10,687.92
Disbursed, for advertising	$ 34,784.85	
Disbursed, for Law expenses	218,415.25	
Disbursed, for grading lands	142,651.40	
Disbursed by U. S., surveying, etc.	145,977.26	
Disbursed, salaries and office expenses	624,344.19	
Disbursed, stationery and printing	18,869.89	
Disbursed, taxes on lands	1,827,234.10	
Balance, net amount received	1,126,583.76	
Totals	4,368,360.70	4,368,360.70

DEFENDANTS' EXHIBIT 290

purports to be a statement of financial account between the Southern Pacific Company and thetOregon & California Railroad Company under the lease of July 1, 1887, and the succeeding lease of August 1, 1893, show-

ing the receipts and disbursements by fiscal years down to and including June 30, 1912, and is as follows:

DEFENDANTS' EXHIBIT 290

SOUTHERN PACIFIC COMPANY IN GENERAL ACCOUNT WITH THE OREGON AND CALIFORNIA RAILROAD COMPANY

RECEIPTS.

1905		
July 31. To Cash receipts by San Francisco Office during July 1905 a/c Land Dept.		9,443.49
Aug. 31. To Cash receipts by San Francisco Office during August 1905....		56,748.20
a/c Land Department.....	54,726.58	
Deutsche Vereinsbank, Frankford, Germany ...	2,021.62	
Sept. 30. To Coupons from Called Bonds, charged back to be collected from Trustee		9,275.00
Sept. 30. To Cash receipts by San Francisco Office during Sept. 1905.....		12,578.99
a/c Land Department ..	10,181.47	
London & San Francisco Bk. London Balance of Account	2,397.52	
Oct. 31. To Sundry receipts by San Francisco Office during Oct. 1905 a/c Land Dept.		15,697.97
Oct. 31. To Surveys Mohawk Line Change overcharged		84.40

RECEIPTS

Nov. 30. To Cash receipts by San Francisco Office during Nov. 1905 a/c Land Dept.	26,702.97
Dec. 31. To Cash receipts by San Francisco Office during Dec. 1905 a/c Land Dept.	78,390.48
Dec. 31. To Overcharge a/c Surveys Drain, west	11,867.25
Dec. 31. To Rental of Road to Oct. 31, 1905 (4 months)	1,666.67
1906	
Jany. 31. To Coupons from Called Bonds, charged back, to be collected from Trustee	75.00
Jany. 31. To Cash receipts by San Francisco Office during Jany. 1906 a/c Land Dept.	55,999.46
Jany. 31. To Rental of Road for three months ending Jany. 31, 1906	1,250.00
Feby. 28. To Coupons from Called Bonds, charged back to be collected from Trustee	50.00
Feby. 28. To Cash receipts by San Francisco Office during Feby. 1906 a/c Land Dept.	20,175.88
Mch. 31. To Coupons from Called Bonds, charged back to be collected from Trustee	175.00

RECEIPTS

Mch. 31.	To Cash receipts by San Francisco Office during Mch. 1906 a/c Land Dept.	15,724.05
Apl. 30.	To Coupons from Called Bonds, charged back to be collected from Trustee	25.00
Apl. 30.	To Cash receipts by San Francisco Office during April 1906....	63,768.12
	viz: Land Department.....60,081.12	
	Unadjusted Accounts... 3,182.00	
	Value of Narrow Gauge Locomotive P. & W. V. No. 1 sold to Ilwaco Ry. & Nav. Co. 500.00	
May 31.	To Cash receipts by San Francisco Office during May 1906 a/c Land Dept.	2,393.89
June 30.	To Rental of Road for 5 months ending June 30, 1906.....	2,083.33
June 30.	To Cash receipts by San Francisco Office during June 1906 a/c Land Dept.	6,982.27
June 30.	To Gross Receipts during fiscal year ending June 30, 1906	
	Passenger including extra baggage	2,861,986.88
	Mail	119,677.99
	Express	184,716.48

RECEIPTS

Freight	2,710,431.54
Switching	11,696.25
Rentals	12,262.07
Other Sources	58,936.89
Carried Forward	6,271,885.88
1906. Brought Forward	6,271,885.88
June 30. Balance	6,915,862.08
	13,187,197.41

1906

July 31. To Cash receipts by San Francisco Office during July 1906 a/c Land Dept.	3,101.18
Aug. 31. To Cash receipts by San Francisco Office during Aug. 1906 a/c Land Dept.	45,043.75
Carried Forward	48,144.93
1906. Brought Forward	48,144.93
Sept. 30. To Cash receipts by San Francisco Office during Sept. 1906 a/c Land Dept.	128,117.85
Oct. 31. To Cash receipts by San Francisco Office during Oct. 1906 a/c Land Dept.	7,507.95

RECEIPTS

Nov. 30. To Cash receipts by San Francisco Office during Oct. 1906 a/c Land Dept.		28,743.02
Dec. 31. To Cash receipts by San Francisco Office during Dec. 1906 a/c Land Dept.		44,156.81
Dec. 31. To Rental of road for six months ending Dec. 31, 1906.....		2,500.00
1907.		
Jany. 31. To Cash receipts by San Francisco Office during Jany. 1907 a/c Land Dept.		119,910.57
Feby. 28. To Cash receipts by San Francisco Office during Feby. 1907.....		61,233.88
a/c Land Department..	59,839.47	
Services of Trustee etc. charged back	1,394.41	
March 31. To Coupons from Called Bonds charged back to be collected from Trustee		100.00
March 31. To cash receipts by San Francisco Office during Mch. 1907 a/c Land Dept.		12,992.07
April 30. To cash receipts by San Francisco Office during Apl. 1907 a/c Land Dept.		20,196.28

RECEIPTS

May 31.	To Cash receipts by San Francisco Office during May 1907 a/c Land Dept.	154,206.92
June 30.	To Cash receipts by San Francisco Office during June 1907 a/c Land Dept.	3,494.89
June 30.	To Rental of Road for six months ending June 30, 1907	2,500.00
June 30.	To Gross receipts during fiscal year ending June 30, 1907	
	Freight Earnings	3,370,502.59
	Passenger Earnings	2,773,374.98
	Mail Earnings	142,131.36
	Express Earnings	141,699.32
	Switching Earnings	8,498.52
	Rental Earnings	69,062.20
	Misc. Earnings	50,007.36
	To a/c Constn. Henderson to Springfield Overcharge in Mch. 1904	24,909.60
	Interest 1906	2,366.41
	Interest 1907	996.38
	Carried Forward	7,079,228.99
1907.	Brought Forward	7,079,228.99
June 30.	Balance	7,594,736.34
	Total	14,673,965.33

1907.

RECEIPTS

July 31. To Cash receipts by San Francisco Office during July 1907 a/c Land Dept.	7,456.83
Aug. 31. To Cash receipts by San Francisco Office during Aug. 1907 a/c Land Dept.	120,602.11
Sept. 30. To Cash receipts by San Francisco Office during Sept. 1907 a/c Land Dept.	3,331.63
Oct. 31. To Coupons from Called bonds, charged back to be collected from Trustee	1,025.00
Oct. 31. To Cash receipts by San Francisco Office during October 1907 a/c Land Dept.	4,863.23
Nov. 30. To Cash receipts by San Francisco Office during November 1907 a/c Land Dept.	1,478.55
Dec. 31. To Rental of road for six months ending Dec. 31, 1907.....	2,500.00
Dec. 31. To Cash receipts by San Francisco Office during Dec. 1907 a/c Land Dept.	2,300.06
1908.	
Jany. 31. To Cash receipts by San Francisco Office during Jany. 1908 a/c	

RECEIPTS

Land Dept.	52,045.00
Feby. 29. To Cash receipts by San Francisco Office during Feby. 1908 a/c Land Dept.	3,011.57
Mch. 31. To Cash receipts by San Francisco Office during Mch. 1908 a/c Land Dept.	4,709.26
May 31. To Cash receipts by San Francisco Office during Apl. 1908 a/c Land Dept.	3,690.79
May 31. To Cash receipts by San Francisco Office during May 1908 a/c Land Dept.	3,605.76
June 30. To Rental of Road for six months ending June 30, 1908.....	2,500.00
June 30. To Cash receipts by San Francisco Office during June 1908 a/c Land Department.	5,774.46
Carried Forward	218,894.25
1908. Brought Forward	218,894.25
June 30. To Gross Receipts during fiscal year ending June 30, 1908	
Freight Revenue	3,330,819.51
Passenger Revenue	3,078,657.01
Excess Baggage Revenue.....	46,657.79

RECEIPTS

Mail Revenue	136,368.68
Express Revenue	151,313.91
Other Passenger Train Revenue	4,779.42
Switching Revenue	5,916.88
Spl. Service Train Revenue	7,027.50
Miscl. Transpn. Revenue	45.67
Operations other than Transportation	52,430.06
Outside Operations	99,398.41
Carried Forward	7,132,308.61
1908. Brought Forward	7,132,308.61
June 30. Balance	7,298,540.77
Total	14,430,849.38

1908.

July 31. To Coupon from Called Bonds charged back, to be collected from Trustee	25.00
July 31. To Sundry receipts by San Francisco Office during July 1908 acct. Land Department	3,085.86
Aug. 31. To Cash receipts by San Francisco Office during Aug. 1908 a/c Land Dept.	43,127.85

RECEIPTS

Sept. 30. To Cash receipts by San Francisco Office during Sept. 1908 a/c Land Dept.	2,072.76
Oct. 31. To Cash receipts by San Francisco Office during Oct. 1908 a/c Land Dept.	1,603.08
Nov. 30. To Cash receipts by San Francisco Office during Nov. 1908 a/c Land Dept.	780.11
Dec. 31. To Coupons from Called Bonds charged back to be collected from Trustee	250.00
Dec. 31. To Rental of Road for six months ending Dec. 31, 1908.....	2,500.00
Dec. 31. To Cash receipts by San Francisco Office during Dec. 1908 a/c Land Dept.	25,701.01
1909.	
Jany. 31. To Cash receipts by San Francisco Office during Jany. 1908 a/c Land Dept.	23,289.30
Feby. 28. To Collection from Farmers Loan & Trust Co (New York) in full payment and satisfaction of the balance due under the decree dated June 25, 1888.....	30,000.00

RECEIPTS

Feby. 28. To Cash receipts by San Francisco Office during Feby. 1909 a/c Land Dept.	798.86
Mch. 31. To Amount charged to Operating Expenses of the Company during year ending June 30, 1906 to provide a reserve fund for extraordinary repairs and renewals, now credited back to Profit and Loss.....	295,898.26
Mch. 31. To Cash receipts by San Francisco Office during Mar. 1909 a/c Land Dept.	2,804.66
Apl. 30. To Cash receipts by San Francisco Office during Apl. 1909 a/c Land Dept.	52,838.14
June 31. To Cash receipts by San Francisco Office during May 1909 a/c Land Dept.	3,488.08
Carried Forward	488,212.47
1908. Brought Forward	488,212.47
June 30. To Rental of Road for six months ending June 30, 1909.....	2,500.00
June 30. To Cash receipts by San Francisco Office during June 1909.....	16,758.86

a/c Land Department

RECEIPTS

	Unadjusted Accounts License Fee O. & C. R. R. Co.	
June 30.	To Overcharge acct. construction Henderson to Springfield.....	811.99
June 30.	To Gross Receipts year ending June 30, 1909	
	Passenger Revenue	3,113,239.19
	Mail Revenue	145,000.72
	Express Revenue	133,900.50
	Freight Revenue	3,490,042.58
	Other Transportation revenue...	36,190.34
	Revenue from Operations other than Transportation	80,576.24
	Outside Operations revenue.....	100,131.66
	Carried Forward	7,607,364.55
1909.	Brought Forward	7,607,364.55
June 30.	Balance	5,992,438.90
	Total	13,599,803.45

RECEIPTS

1909.

July 31. To Coupons from Called Bonds, charged back to be Collected from Trustee	200.00
July 31. To Sundry receipts by San Francisco Office during July 1909.. viz: Land Department	6,319.16
Aug. 31. To Cash receipts by San Francisco Office during Aug. 1909 a/c Land Dept.	38,370.96
Sept. 30. To Cash receipts by San Francisco Office during Sept. 1909 a/c Land Dept.	3,888.36
Oct. 31. To Cash receipts by San Francisco Office during Oct. 1909 a/c Land Department	3,581.52
Nov. 30. To Cash receipts by San Francisco Office during Nov. 1909 a/c Land Dept.	2,197.45
Dec. 31. To Rental of Road for six months ending Dec. 31, 1909.....	2,500.00
Dec. 31. To Cash receipts by San Francisco Office during Dec. 1909 a/c Land Dept.	25,264.47

RECEIPTS

1910.

Jany. 31. To Cash receipts by San Francisco Office during Jany. 1910 a/c Land Dept. 23,330.90

Feby 28. To Receipts by New York Office during Feby 1910..... 5,002.75

viz: Mortgage of July 1, 1887
Purchase price of Lot 2
Blk 2 Frush's Sq. Addn.
to East Portland Oregon,
to Cudahy Packing Co.. 5,000.00
Refund of Deposit..... 2.75

Feby 28. To Cash receipts by San Francisco Office during Feby. 1910 a/c Land Dept. 2,635.37

Mar. 31. To Cash receipts by San Francisco Office during Mar. 1910 a/c Land Dept. 17,291.00

Apr. 30. To Cash receipts by San Francisco Office during Apl. 1910 a/c Land Dept. 2,585.36

May 31. To Cash receipts by San Francisco Office during May 1910 a/c Land Dept. 14,337.92

RECEIPTS

June 30. To Cash Rental of Road for six months ending June 30, 1910.....		2,500.00
June 30. To Salvage from Property Abandoned		4,535.26
June 30. To Cash receipts by San Francisco Office during June 1910.....		3,589.21
viz: Land Department.....	3,587.21	
Notarial Fees paid P. Palmer	2.00	
June 30. To Locomotives—Replacement		54,900.00
June 30. To Passenger Train Cars—Replacement		9,400.00
June 30. To Freight Train Cars—Replacement		46,802.00
June 30. To Work Equipment..... (Transferred from Southern Pacific Co. Books.)		855.37
June 30. To Gross Receipts year ending June 30, 1910		
Passenger Revenue		4,156,674.39
Mail Revenue		146,622.88
Express Revenue		156,046.87
Freight Revenue		4,048,565.15

RECEIPTS

Other Transportation Revenue...	15,236.43
Revenues from Operation other than Transportation	91,518.77
Outside operations—revenue	214,989.65
Carried Forward	9,099,686.20
1910. Brought Forward	9,099,686.20
Carried Forward	9,099,686.20
1910. Brought Forward	9,099,686.20
June 30. To balance	4,503,077.45
Total	13,602,763.65
1910.	
July 31. To Cash receipts by San Francisco Office during July 1910..... Viz: Land Department.	2,666.63
Aug. 31. To Cash receipts by San Francisco Office during Aug 1910 a/c Land Dept.	38,300.35
Sept. 30. To Cash receipts by San Francisco Office during Sept. 1910 a/c Land Dept.	2,197.56
Oct. 31. To Cash receipts by San Francisco Office during Oct. 1910 a/c Land Dept.	1,506.35

RECEIPTS

Nov. 30.	To Cash receipts by San Francisco Office during Nov. 1910 a/c Land Dept.	1,432.96
	viz: Real Estate	
	Recd. from Britt Aspinwall for Lot 2 Blk. 7 Town of Brooks, Marion County, Oregon 100.00	
	Land Department 1,332.96	
Dec. 31.	To Rental for Lease of Road for six months ending Dec. 31, 1910.	2,500.00
Dec. 31.	To Cash receipts by San Francisco Office during Dec. 1910.....	24,297.95
	viz: Land Department 24,289.70	
	Central Pacific Railway Co. Refund of Expenses paid A. A. Hoehling, Jr. 8.25	
1911.		
Jany. 31.	To Refund of amount overcharged by Beaverton and Willsburg Railroad Co. for rental three months ending June 30, 1910.....	12,500.00
Jany. 31.	To Cash receipts by San Francisco Office during Jany. 1911 a/c Land Dept.	21,062.70

RECEIPTS

Feby 28.	To Cash receipts by San Francisco Office during Feby. 1911 a/c Land Dept.		2,484.54
Mch. 31.	To Cash receipts by San Francisco Office during Mch. 1911 a/c Land Dept.		2,467.90
Apl. 30.	To Cash receipts by San Francisco Office during Apl. 1911 a/c Land Dept.		2,126.89
	viz: Land Department	2,124.49	
	Privilege to Cross Right of Way		
	Rental of Wire Crossing at		
	Goshen	1.20	
	Cottage Grove	1.20	2.40
May 31.	To Cash receipts by San Francisco Office during May 1911 a/c Land Dept.		13,883.51
June 30.	To Rental for Lease of Road, for six months ending June 1911...		2,500.00
June 30.	To Cash receipts by San Francisco Office during June 1911 a/c Land Dept.		1,848.90

RECEIPTS

June 30. To Salvage from Abandoned Property	2,174.09
June 30. To Locomotive—Replacement	23,500.00
June 30. To Passenger Train Cars—Replacement	8,700.00
June 30. To Freight Train Cars—Replacement	30,281.22
June 30. To Work Equipment	1,825.57
June 30. To Freight Revenue	4,181,576.25
June 30. To Passenger Revenues	4,073,318.12
June 30. To Mail Revenues	169,451.66
June 30. To Express Revenue	162,642.85
June 30. To Other Transportation Revenues	31,478.63
June 30. To Revenues from Operations other than Transportation	96,458.10
June 30. To Rentals from Joint Tracks Yards and Other Facilities—Outside Companies	5,362.80
June 30. To Rentals from Lease of Road —Outside Companies	6,840.00
Carried Forward	9,133,788.88
1911. Brought Forward	9,133,788.88

RECEIPTS

Carried Forward	9,133,738.88
1911. Brought Forward	9,133,738.88
June 30. To Balance	3,327,116.84
Total	12,460,855.72

1911.

July 31. To Cash receipts by San Francisco Office during July 1911 a/c Land Dept.	2,504.87
Aug. 31. To Cash receipts by San Francisco Office during Aug. 1911 a/c Land Dept. ..... viz: Land Department	1,189.17
Sept. 30. To Cash receipts by San Francisco Office during Sept. 1911 a/c Land Dept.	540.59
Oct. 31. To Cash receipts by San Francisco Office during Oct. 1911 a/c Land Dept.	882.59
Nov. 30. To Cash receipts by San Francisco Office during Nov. 1911 a/c Land Dept.	289.77
Dec. 31. To Rental of Road for six months ending Dec. 31, 1911.....	2,500.00
Dec. 31. To Cash receipts by San Francisco Office during Dec. 1911 a/c	

RECEIPTS

Land Dept.		22,104.68
1912.		
Jany. 31. To Cash receipts by San Francisco Office during Jany 1912.....		1,704.61
viz: Land Department	1,658.91	
Privilege to cross Right of Way	45.70	
Feby 29. To Cash receipts by San Francisco Office during Feby. 1912 a/c Land Dept.		954.23
Mch. 31. To Cash receipts by San Francisco Office during Mch. 1912 a/c Land Dept.		670.01
viz: Land Department	665.51	
Privilege to Cross Right of Way	4.50	
Apl. 30. To Cash receipts by San Francisco Office during Apl. 1912.....		502.81
viz: Land Department	483.61	
Privilege to Cross Right of Way	19.20	
May 31. To Cash receipts by San Francisco Office during May 1912.....		13,441.73
viz: Land Department 13,879.18		

RECEIPTS

Privilege to Cross Right of Way Collections from Companies and Individuals for privilege of placing wires and pipes across company's Right of Way.	12.55	
Recd. from Oregon Electric Ry. Co. in full for perpetual easement for Railroad purposes over across and upon tract of Land in Linn Co., Ore.	.50	62.55
June 30. To Cash receipts by San Francisco Office during June 1912.....		3,058.86
viz: Land Department	3,033.46	
Privilege to cross Right of Way Collections from Companies and Individuals for privilege of placing wire and pipes across Company's Right of Way	25.40	
June 30. To Value of Abandoned Property		2,905.08

RECEIPTS

June 30. To Rental for Lease of Road for six months ending June 30, 1912...	2,500.00
June 30. To Gross receipts during fiscal year ending June 30, 1912	
Freight Revenue	3,864,204.05
Passenger Revenue	3,931,649.39
Mail Revenue	170,282.77
Express Revenue	151,524.80
Pullman Co. Revenue.....	11,029.20
Parlor and Chair Car Revenue...	1,185.46
Other Transportation Revenues..	41,077.02
Revenue from Operations other than Transportation	95,873.41
Outside Operations—Revenue ...	210,540.04
Rentals for Joint Tracks, Yards & Term. Fac.—Outside Cos...	7,558.90
Rentals for Lease of Road—Outside Cos.	28,125.00
Carried Forward	8,568,749.04
1912. Brought Forward	8.568,749.04
Carried Forward	8,568,749.04
1912. Brought Forward	8,568,749.04
June 30. To Balance.....	2,542,721.18
Total	11,111,470.22

San Francisco, Cal.
August 31, 1912.

DISBURSEMENTS

1905			
June 30.	By Balance		6,388,936.79
July 31.	By payments by New York Office during July, 1905 for advertising Bond Call		267.64
July 31.	By Coupons and registered bonds interest paid by New York Office during July, 1905.....		422,050.00
July 31.	By Sundry disbursements by San Francisco Office during July, 1905		4,454.82
viz	Land Department	4,382.99	
	General Expenses		
	Directors fees .65.00		
	Stationery 6.83	71.83	
		4,454.82	
July 31.	By Expenditures a/c surveys, Drain west		2,725.06
July 31.	By Coupons paid by New York Office during July, 1905....		800.00
Aug 31.	By Coupons paid by New York Office during August, 1905..		30,625.00
Aug. 31.	By Sundry disbursements by San Francisco Office during August, 1905		62,909.96

DISBURSEMENTS

viz: Land Department	62,873.55	
General Expenses		
Directors fees 35.00		
Stationery ... 1.41		
	36.41	62,909.96
Aug. 31. By Expenditures a/c surveys Drain west		5,000.62
Aug. 31. By payments by New York Office during August, 1905, for advertising Bond Call		351.75
Sept. 30. By Coupons paid by New York Office during September, 1905		5,750.00
Sept. 30. By payments by New York Office during Sept., 1905, advertising Bond Call		25.40
Sept. 30 By Sundry disbursements by San Francisco Office during Sept., 1905		5,135.72
viz: Land Department.....	5,105.72	
General Expenses		
Directors fees	30.00	
Sept. 30. By Expenditures a/c surveys, Drain west		4,872.19
Oct. 31. By coupons paid by New York Office during October, 1905.....		2,525.00

DISBURSEMENTS

Oct. 31. By sundry disbursements by San Francisco Office during Oct., 1905		7,711.12
viz: Land Department	5,245.86	
General Expenses	200.00	
Southern Pacific Railroad Co	2,265.26	
Oct. 31. By Payments by New York Office during October, 1905		32.00
a/c Printing 12 Certificates O. & C. Bond destroyed	28.75	
Oct. 31. By Printing O. & C. Coupon Tally Sheets	3.25	
Oct. 31. By Expenditures a/c surveys, Drain west		3,127.64
Nov. 30. By Coupons paid by the New York Office during November, 1905		1,025.00
Nov. 30. By Sundry Disbursements by San Francisco Office during Nov., 1905		6,524.88
Viz: Land Department	6,389.88	
General Expenses Directors fees	35.00	

DISBURSEMENTS

Payments to O. R. & N. a/c services of Secy. Nov. 100.00	135.00	
Nov. 30. By Expenditures a/c Surveys, Drain west		2,320.35
Dec. 31. Coupons paid by New York Office during December, 1905.....		1,550.00
Dec. 31. By Sundry disbursements by San Francisco Office during Dec., 1905		4,259.74
viz: Land Department..... 4,089.74		
General Expenses		
Directors Fees 70.00		
Services of Secty.100.00	170.00	
Dec. 31. By Payment by New York Office during Dec., 1905 ..... Account "New Yorker-Handle Zeitung" Advertising.		.66
1906		
Jany. 31. By Coupons and registered bonds interest paid by New York Office during January, 1906.....		417,925.00
Jany. 31. By Sundry disbursements by San Francisco Office During Jany.		

DISBURSEMENTS

1906		5,597.82
viz: Land Department....	4,301.59	
General Expenses		
Services of Secretary ...	100.00	
Filing and Recording	2.20	102.20
Union Trust Co., of New York Trustee Mtge. 1887, Amt. collected on Ida M. Eaton Note and paid to Union Trust Co. of N. Y. by the New York Office 1,193.53		
Jany. 31. By Expenditures a/c Surveys Drain West		2,428.66
Feby. 28. By Coupons paid by New York Office during Feby. 1906		27,825.00
Carried Forward		7,866,256.82
1906		
Brought Forward		7,866,256.82
Feby. 28. By Sundry Disbursements by San Francisco Office during Feby. 1906		9,406.19
viz: Land Department	7,207.86	

DISBURSEMENTS

General Expenses		
Directors fees ... 35.00		
Services of Secty. 100.00	135.00	
Southern Pacific Railroad Co. Propn. of Genl. Expenses for six months ending 12/31/05	2,068.33	
Mar. 31. By Expenditures a/c Surveys, Drain west		3,221.25
Mar. 31. By Payments by the New York Office during March, 1906, a/c Printing Coupon Tally Sheets		8.50
Mar. 31. By Payments by the New York Office during March. 1906 (additional)		34,657.47
Viz: Union Trust Co. of New York, Trustee Mtge. of 1887.		
Amount due from Apl. / Oct. 31 1905	9,467.29	
Amount due from Nov. 1905 .	19,415.18	
	28,882.47	
Coupons paid	5,775.00	

DISBURSEMENTS

Mar. 31. By Sundry disbursements by San Francisco Office during Mch. 1912		104,509.78
viz: Land Department.		
Apl. 30. By Coupons paid by the New York Office during April, 1906....		2,600.00
Apl. 30. By Payments by New York Office during April, 1905		2.60
viz: Transfer tax paid on 45 shares Common Stock @ 2c	.90	
85 shares Preferred Stock @ 2c	1.70	
Apl. 30. By Sundry disbursements by San Francisco Office during Apl. 1906		7,026.24
viz: Land Department.		
May 31. By Coupons paid by the New York Office durin g May, 1906.....		1,775.00
May 31. By Sundry disbursements by San Francisco Office during May, 1906		183.15
viz: Land Department	135.55	
General Expenses		
Directors fees .. 30.00		
Advertising 17.60	47.60	

DISBURSEMENTS

June 30. By Coupons paid by the New York Office during June, 1906.....			1,200.00
June 30. By Sundry disbursements by San Francisco Office during June, 1906			4,692.88
viz: Land Department	4,372.98		
Land Department	192.25		
General Expenses Directors fees	35.00		
Recorders fees paid account recording Consent of Stock holders and the Assent of the Trustees to Mortgage upon property and issue to bonds in Benton, Clackamas and Columbia Counties, Ore.....	92.65	127.65	
June 30. By Interest on Open Acct. with Southern Pacific Co. for the year ending June 30, 1906			280,571.73
June 30. By Expenditures a/c Surveys Drain, West			4,247.97

DISBURSEMENTS

June 30.	By Expenditures during year ending June 30, 1906, viz:	
	By Construction, Henderson to Springfield	120,049.94
	By Construction and Improvement	537,649.67
	By Equipment	2,166.07
	By Operating Expenses	4,574,185.83
	By Taxes	109,897.18
	By Rentals Other Property and facilities	5,307.33
	By Rentals Leased Roads and Properties	4,832.85
	By Rentals S. P. Co. and Prop. Cos.	1,076.13
June 30.	By Losses in San Francisco fire of April 18, 1906	10,424.35
June 30.	By Interest @ 4 per cent. per annum from date of delivery to June 30, 1906, on Equipment purchased from S. P. Co. for acct. of Oregon & Cal. R. R. Replacement Fund	1,753.98
	Total	18,187,197.41

DISBURSEMENTS

1906		
June 30. By Balance		6,915,862.08
July 31. By Coupons and registered Bonds interest paid by New York Office during July, 1906		419,800.00
Carried Forward		7,335,662.08
1906 Brought Forward		7,335,662.08
July 31. By Sundry disbursements by San Francisco Office during July, 1906		669.55
Viz: Land Department.		
Aug. 31. By Payments by New York Office during August, 1906		50,441.13
Union Trust Co. of New York Trustee Mtge. of 1887 a/c Receipts from Mortgaged Lands Dec 1, 1905, to Apl. 18, 1906.....		26,441.13
Coupons paid	24,000.00	
Aug. 31. By Sundry disbursements by San Francisco Office during Aug. 1906		2,330.16
viz: Land Department .. General Expenses	2,305.16	

DISBURSEMENTS

Directors fees	25.00	
Sept. 30. By Coupons paid by New York Office during Sept. 1906		5,175.00
Sept. 30. By Sundry disbursements by San Francisco Office during Sept. 1906		7,879.85
viz: Land Department		
Oct. 31. By Coupons paid by New York Office during Oct. 1906.....		4,575.00
Oct. 31. By Sundry disbursements by San Francisco Office during Oct. 1906...		15,102.63
viz: Land Department ...	14,972.63	
General Expenses Recording Consent of Stockholders and assent of Trustees to Union Trust Company Mortgage	95.00	
Directors fees 85.00	180.00	
Dec. 31. By Coupons paid by		

DISBURSEMENTS

	New York Office during November, 1906		1,150.00
Nov. 30.	By Sundry disbursements by San Francisco Office during November, 1906		3,848.98
	viz: Land Department.....		
	New York Office during December, 1906		1,100.00
Dec. 31.	By Sundry Disbursements by San Francisco Office during Dec. 1906...		4,266.77
	viz: Land Department 4,149.17		
	General Expenses Directors fees 25.00		
	recording consent of Stockholders and assent of Trustees to Union Trust Co. Mortgage 92.60	117.60	
1907			
Jany. 31.	By Coupons and registered bonds interest paid by New York Office during January, 1907.....		419,100.00
Jany. 31.	By Sundry disburse-		

DISBURSEMENTS

ments by San Francisco Office during Jany. 1907 .		3,988.47
viz: Land Department	3,932.67	
General Expenses Recording Consent of Preferred Stockholders, Marion Co. Oregon	15.80	
Directors Fees..	40.00	55.80
Feb. 28. By Payments by New York Office during February, 1907, viz:.....		275,984.22
Union Trust Co. of New York, Trustee Mtge. of 1887, a/c Net Receipts from Mortgaged lands Dec. 1905 to September 1906 both incl.....	249,584.22	
Dec. 1905	97,925.01	
Jany. 1906	51,102.24	
Feby. 1906	13,175.18	
Sept. 1906	87,381.79	
Coupons paid	26,450.00	
Feby. 28. By Sundry disburse-		

DISBURSEMENTS

ments by San Francisco Office during Feby. 1907....		9,402.65
viz: Southern Pacific Railroad Co. Acct. Propn. General Expenses 6 months ending June 30, 1906	2,057.40	
General Expenses Directors Fees	60.00	
Land Department	7,285.25	
Feby. 28. By Stationery (Voucher Blanks)		8.66
March 31. Payments by New York Office during March 1907, viz:		65,437.41
Union Trust Co. of New York Trustee Mtge. of July, 1887 a/c Net Receipts from Mortgaged Lands Oct. to Dec. 1906 both incl.		
Oct. and Nov. 21,266.30		
December 38,296.11	59,562.41	
Coupons paid	5,875.00	
March 31. By Sundry disbursements by San Francisco Office during Meh, 1907..		132,558.00
viz: Southern Pacific Railroad Co. Propn. Genl. Expenses		

DISBURSEMENTS

six months ending Dec. 31 1906	2,307.66	
General Expenses	30.00	
Directors Fees Land Department	130,220.84	
Carried Forward		8,338,680.51
1907. Brought Forward		8,338,680.51
April 30. By Coupons paid by New York Office during April, 1907....		2,750.00
April 30. By Sundry disbursements by San Francisco Office during April, 1907		6,771.05
viz: Land Department	6,636.05	
General Expenses Directors Fees	85.00	
May 31. By Payments by New York Office during May, 1907.....		137,606.19
Union Trust Co. of New York Trustee Mortgage of 1887 a/c Net receipts from Mortgaged Lands viz: Jany, 1907....89,180.23		
Feby. 1907....47,325.96		
	136,506.19	
Coupons paid	1,100.00	

DISBURSEMENTS

May 31.	By Commission on Land Sales paid to Union Trust Co. of New York Trustee Mortgage of 1887...	1,894.41
May 31.	By Sundry disbursements by San Francisco Office during May, 1907	6,450.50
	viz: Land Department ...6,425.50	
	General Expenses	
	Directors Fees 25.00	
June 30.	By Payments by New York Office during June, 1907, viz:	560.00
	General Expenses	
	Notarial Fees 10.00	
	Coupons paid 550.00	
June 30.	By Sundry disbursements by San Francisco Office during June, 1907	8,728.64
	viz: General Expenses	
	Directors Fees 80.00	
	Rent of Vault..... 5.00	
	Repairing Corporate Seal 1.00	
	Publishing Notice of Anual Meetings .15.00	
	51.00	
	Land Department 8,677.64	

DISBURSEMENTS

June 30.	By Interest on Open Account with Southern Pacific Co. for the year ending June 30, 1907.....	293,893.55
June 30.	By Payments by New York Office during June, 1907, viz: Printing Cremation Certificates	14.75
June 30.	By Expenditures a/c Construction Henderson to Springfield, viz:	89,992.32
	Principal 89,150.57	
	Interest 841.75	
June 30.	By General Expenses, Printing	3.00
June 30.	By Losses in San Francisco Fire of April, 1906.....	5,054.33
June 30.	By Expenditures during year ending June 30, 1907, viz: Construction and Improvement	899,206.38
	a/c Betterments 621,580.88	
	a/c Additions ..277,625.50	
	——— 899,206.38	
June 30.	By Equipment	10,549.46
June 30.	By Operating Expenses.....	4,766,350.22
June 30.	By Taxes	144,888.70
June 30.	By Rentals other properties and facilities	7,802.67

DISBURSEMENTS

June 30. By Rentals Leased Roads and Properties		8,196.32
June 30. By Rentals S. P. Co. and Proprietary Cos.		72.88
Total		14,673,965.33
1907.		
June 30. By Balance		7,594,736.34
July 31. By Sundry disbursements by San Francisco Office during July 1907		11,084.80
viz: Land Department	11,029.80	
Unadjusted Accounts		
License Fee O. & C. R. R.		
License Fee O. & C. Land Co.		
General Expenses		
Directors Fees	55.00	
July 31. By Payments by New York Office during July 1907.....		421,848.07
viz: General Expenses		
Adv'tg. Bond Call...	48.07	
Coupons paid	421,525.00	
Int. on Regd. Bonds paid	275.00	

DISBURSEMENTS

Aug. 31. By Sundry disbursements by San Francisco Office during Aug. 1907		4,562.71
viz: Land Department	4,547.71	
General Expenses Rent of Vault May June and July	15.00	
Carried Forward		8,032,231.92
1907. Brought Forward		8,032,231.92
Aug. 31. By Payments by New York Office during August 1907		64,769.65
viz: Union Trust Co. of New York Trustee Mortgage of 1887 Net Receipts from Mortgaged Lands March 1907 to May 1907 incl.	53,894.65	
Coupons paid	10,875.00	
Sept. 30. By Payments by New York Office during September 1907		6,568.19
viz: General Expenses Advertising Bond Call	568.19	
Coupons paid	6,000.00	
Sept. 30. By Sundry disbursements by		

DISBURSEMENTS

San Francisco Office during Sept. 1907		5,701.84
viz: Land Department	5,666.84	
General Expenses		
Directors Fees 30.00		
Rent of Vault Aug. 5.00	35.00	
Oct. 31. By Coupons paid by New York Office during Oct. 1907.....		2,575.00
Oct. 31. By Sundry disbursements by San Francisco Office during Oct. 1907		10,223.57
viz: Land Department	8,126.94	
General Expenses		
Rent of Vault 5.00		
Directors Fees 50.00	55.00	
Southern Pacific Railroad Co. Propn. of Gen'l. Expenses for six months ending June 30, 1907	2,041.63	
Nov. 30. By Coupons paid by New York Office during November 1907.		1,575.00
Nov. 30. By Sundry disbursements by San Francisco Office during Nov.		

DISBURSEMENTS

1907		7,089.29
viz: Land Department	6,984.29	
General Expenses		
Rent of Vault		
Oct.	5.00	
Salary Secretary		
Mch. 1906 .....100.00	105.00	
Dec. 31. By Coupons paid by the New York Office during Dec. 1907.....		1,900.00
Dec. 31. By Sundry disbursements by San Francisco Office during Dec. 1907		4,196.95
viz: Land Department	4,191.95	
General Expenses		
Rent of Vault Nov. ...	5.00	
1908.		
Jany. 31. By Coupon and registered bonds interest paid by New York Office during January 1908.....		404,750.00
Jany. 31. By Sundry disbursements by San Francisco office during January, 1908		5,408.04
viz: Land Department.....	5,325.54	
Adjustment	82.50	

DISBURSEMENTS

Feby. 29. By Coupons paid by the New York Office during Feby. 1908....		29,775.00
Feby. 29. By Payment by New York Office during Dec. 1907 a/c Printing		2.00
Feby. 29. By Sundry disbursements by San Francisco Office during Feby. 1908		5,659.51
viz: Land Department	3,094.70	
Southern Pacific Railroad Co. Propn. of General Expenses for six months ending Dec. 31, 1907	2,529.81	
General Expenses Directors Fees ...25.00		
Rent of Vault Dec. 1907 ..... 5.00		
Rent of Vault Jany. 1908 ..... 5.00	35.00	
March 31. By Coupons paid by New York Office during March 1908....		3,625.00
March 31. By Payment by New York Office during Feby. 1908.....		92.07
a/c Miscl. expenses, repairs to build-		

DISBURSEMENTS

ing, located at Portland, Oregon off Company's R/W		
March 31. By Sundry disbursements by San Francisco Office during March 1908		194,662.56
viz: Land Department		
April 30. By Payment by New York Office during April 1908.....		136,064.68
a/c Union Trust Co. of New York Trustee Mortgage of 1887 Net receipts from Mortgaged Lands		
Aug. 1907..110,668.82		
Sept. 1907.. 23,045.86	133,714.68	
Coupons paid	2,350.00	
May 31. By Sundry disbursements by San Francisco Office during April 1908		8,021.97
viz: Land Department	7,936.97	
General Expenses		
Rent of Vault		
Feby and Mch..10.00		
Directors Fees..75.00	85.00	
Carried Forward		8,924,841.74

DISBURSEMENTS

1908. Brought Forward			8,924,841.74
May 31. By Payments by New York Office during May 1908 on Trust Co. of New York Trustee Mortgage of 1887 receipts from Mortgaged Lands			38,504.27
Jan. 1908..	35,727.86		
Feb. 1908..	801.41	36,529.27	
Coupons paid		1,975.00	
May 31. By Sundry disbursements by San Francisco Office during May 1908			5,824.33
viz: Land Department ...		5,795.63	
General Expenses			
Advtg, Notice			
Annual Meeting..	19.25		
Recorders Fees...	4.25		
Rent of Vault			
April	5.00	28.50	
June 30. By Coupons paid by New York Office during June 1908.....			850.00
June 30. By Interest on Open Acct. with Southern Pacific Co. for the year ending June 1908.....			320,041.96

DISBURSEMENTS

June 30. By Sundry disbursements by San Francisco Office during June 1908		4,340.35
viz: Land Department	4,305.35	
General Expenses Directors Fees	30.00	
Rent of Vault May	5.00	35.00
June 30. By Disbursements acct. construction Henderson to Springfield.		4,439.16
June 30. By Payment by New York Office during June 1908 acct. Printing 25 Copies of Cremation Certificates		16.75
June 30. Expenditures during year ending June 30, 1908		
Betterments		208,331.07
Additions		176,079.45
June 30. By Equipment acct. Passenger Train Cars		2,914.32
June 30. Rental for Joint Tracks, Yards and other facilities Preparatory Cos.		7,327.44
June 30. By Rental for Joint Tracks, Yards and other facilities outside Companies		68,322.07

DISBURSEMENTS

June 30.	By Rentals for Lease of Railway and other facilities—S. P. Co...	111.48
June 30.	By Hire of equipment.....	282,090.88
June 30.	By Operating Expenses	4,131,713.80
June 30.	By Outside Operations—Expenses	72,100.31
June 30.	By Taxes	187,500.00
	Total	14,430,849.38
1908.		
June 30.	By Balance	7,298,540.77
July 31.	By Coupon and registered bonds interest paid by New York Office, during July 1908.....	412,950.00
July 31.	By Sundry disbursements by San Francisco Office during July 1908	4,882.01
	viz: Land Department 4,762.01	
	General Expenses ..80.00	
	Directors Fees ...35.00	
	Rent of Vault..... 5.00 70.00	
Aug. 31.	By Coupons paid by New York Office during Aug. 1908.....	21,525.00
Aug. 31.	By Sundry disbursements by	

DISBURSEMENTS

San Francisco Office during Aug. 1908		7,115.81
viz: Land Department	4,817.89	
General Expenses		
Directors Fees ...85.00		
Rent of Vault July 5.00	40.00	
Southern Pacific Railroad Co. Propn. of General Expenses six months ending June 30, 1908	2,250.42	
Sept. 30. By Coupons paid by New York Office during Sept. 1908.....		4,225.00
Sept. 30. By Sundry disbursements by San Francisco Office during Sept. 1908		10,778.17
viz: Land Department 10,908.17		
General Expenses		
Directors Fees ...25.00		
Rent of Vault, Aug. 5.00		
Directors Fees ...40.00	70.00	
Carried Forward		7,760,166.76

DISBURSEMENTS

1908.	Brought Forward		7,760,166.76
Oct. 31.	By Sundry disbursements by San Francisco Office during Oct. 1908		4,575.16
	viz: Land Department	4,540.16	
	General Expenses Directors Fees ...30.00		
	Rent of Vault Sept. 5.00	35.00	
Oct. 31.	By Coupons paid by New York Office during October 1908.....		2,450.00
Oct. 31.	By Payments by New York fice during Sept. 1908 acct. Sundry Repairs to Building in Portland, Oregon		100.00
Nov. 30.	By Coupons paid by New York Office during Nov. 1908.....		1,575.00
Nov. 30.	By Sundry disbursements by San Francisco Office during Nov. 1908		5,068.51
	viz: Land Department	5,033.51	
	General Expenses Directors Fees....30.00		
	Rent of Vault Oct. 5.00	35.00	

DISBURSEMENTS

Dec. 31.	By Coupons paid by New York Office during Dec. 1908.....	575.00
Dec. 31.	By Sundry disbursements by San Francisco Office during Dec. 1908	3,452.04
1909.	viz: Land Department.	
Jany. 31.	By Coupons and registered bonds interest paid by New York Office during January 1909.....	401,800.00
Jany. 31.	By Payments by New York Office during January 1909 acct. Printing Coupon Tally Sheets O. & C. R. R. Co.....	3.75
Jany. 31.	By Sundry disbursements by San Francisco Office Jany. 1909...	2,992.81
	viz: Land Department 2,962.81	
	General Expenses Directors Fees 30.00	
Feby. 28.	By Coupons paid by New York Office during Feby. 1909....	30,550.00
Feby. 28.	By Sundry disbursements by San Francisco Office during Feby. 1909	5,408.46
	viz: Land Department 3,166.08	
	Southern Pacific Rail-	

DISBURSEMENTS

road Co. Propn. of General Expenses six months ending Dec. 31, 1908	2,170.97	
General Expenses		
Rent of Vault, Nov. & Dec.	10.00	
Directors Fees	55.00	
Rent of Vault Jany.	5.00	
Propn, cost of Clock	1.41	71.41
March 31. By Coupons paid by New York Office during March, 1909...		6,575.00
March 31. By Sundry Disbursements by San Francisco during March 1909		241,298.92
viz: Land Department.....	241,263.92	
General Expenses		
Rent of Vault Feby.	5.00	
Directors Fees	30.00	35.00
April 30. By Coupons paid by New York Office during April 1909.....		2,225.00
April 30. By Sundry disbursements by San Francisco Office during April 1909		22,088.18
viz: Land Department	21,957.28	
General Expenses		

DISBURSEMENTS

Directors Fees ...60.00		
Rent of Vault 5.00		
Court Cost and Fees in case of O. & C. R. R. vs Farmers Loan & Trust Co. 15.90	80.90	
May 31. By Coupons paid by New York Office during May 1909.....		1,950.00
May 31. By Payments by New York Office during May 1909 acct. Notarial Fees		.25
June 30. By Sundry disbursements by San Francisco Office during May 1909		4,756.41
viz: Land Department	4,691.41	
General Expenses Advtg. notice of meeting of Stockholders 20.00		
Directors Fees ...30.00		
Amount paid Marion Co. for quit claim deed to certain property in town of Gervais		

DISBURSEMENTS

Oregon	15.00	65.00	
June 30. By Payment by New York Office during June 1909 acct. Propn. Salary, Judge Payson—May 1909..			62.50
June 30. By Coupons paid by New York Office during June 1909.....			575.00
June 30. By Interest on Open Acct. with Southern Pacific Co. for the year ending June 30, 1909.....			295,538.44
Carried Forward			8,793,287.19
1909. Brought Forward.....			8,793,287.19
June 30. By Sundry disbursements by San Francisco Office during June 1909			4,003.89
viz: Land Department	3,958.89		
General Expenses			
Rent of Vault Apl. and May 10.00			
Directors Fees ...35.00		45.00	
June 30. By Propn. Salary Judge Payson—June 1909			62.50
June 30. By Payments by New York Office during year ending June 30, 1909			

DISBURSEMENTS

Operating Expenses	3,763,470.84
Outside Operations—Expenses ..	103,598.90
Taxes	260,617.82
Rentals for Joint Tracks, Yards and other Facilities Proprietary Companies	7,327.44
Rentals for Joint Tracks, Yards and other Facilities Outside Companies	72,335,68
Rentals for Lease of Railway and other Facilities—S. P. Co.....	111.48
Additions	72,809.17
Betterments	70,230.72
Equipment	755.09
June 30. By Hire of Equipment for year ending June 30, 1909.....	291,052.66
June 30. By Difference in rate of interest from 4 per cent to 6 per cent on Open Acct. with S. P. Co. year ending June 30, 1909	147,769.22
June 30. By Expenditures for Account of Equipment	12,420.85
Total	13,599,808.45

DISBURSEMENTS

1909.			
June 30.	By Balance		5,992,488.90
July 31.	By Coupons paid by New York Office during July 1909.....		411,725.00
July 31.	By Sundry disbursements by San Francisco Office during July 1909.		2,025.85
	viz: Land Department	1,975.25	
	General Expenses		
	Directors Fees ...45.00		
	Rent of Vault June 5.00		
	Fees—filing Deed. .60	50.60	
Aug. 31.	By Payments by New York Office during Aug 1909.....		21,829.00
	viz: Account Payable Land Dept.:		
	Notarial Fees paid P. Palmer	29.00	
	Coupons paid 21,800.00		
Aug. 31.	By Sundry disbursements by San Francisco Office during August 1909		5,888.25
	viz: Land Department	3,959.88	
	General Expenses		

DISBURSEMENTS

Rent of Vault July	5.00	
Directors Fees	20.00	
Stationery	14.44	39.44
Southern Pacific Railroad Co. Propn. General Expenses six months ending June 30, 1909		1,833.98
Sept. 30. By Coupons paid by New York Office during September 1909		4,925.00
By Sundry disbursements by San Francisco office during Sept., 1909		5,104.36
viz: Land Department	5,024.36	
General Expenses		
Rent of Vault Aug.	5.00	
Directors Fees	75.00	80.00
Oct. 31. By Payments by New York Office during October 1909		3,778.25
viz: Accounts Payable Land Dept.		
Expenses Land Dept. at Wash. D. C. Oct.	3.25	
Coupons paid	3,775.00	
Oct. 31. By Payments by New York Office during July 1909		337.50
viz: Interest on registered bonds	275.00	

DISBURSEMENTS

Propn. Salary Judge Payson July 1909....	62.50	
Carried Forward		6,447,497.11
1909. Brought Forward		6,447,497.11
Oct. 31. By Sundry disbursements by San Francisco Office during Oct. 1909		5,054.16
viz: Land Department	5,019.16	
General Expenses		
Directors Fees 30.00		
Rent of Vault Sept. 5.00	35.00	
Nov. 30. By Payments by New York Office during November 1909.....		1,221.00
viz: Accounts Payable Land Dept.		
Notarial Fees paid P. Palmer	21.00	
Coupons paid	1,200.00	
Nov. 30. By Sundry disbursements by San Francisco Office during Nov. 1909		3,356.65
viz: Land Department	3,266.25	
General Expenses		

DISBURSEMENTS

Rent of Vault Oct. 5.00		
Directors Fees ...65.00		
Advtg. notice of annual meeting of Stockholders ...20.40	90.40	
Nov. 30. By Payment by New York Office during Aug. 1909.....		62.50
acct. Propn. Salary Judge Payson Aug.		
Dec. 31. By Payment by New York Office during Sept. 1909.....		167.94
Search and Abstract title to Lot 2 Blk. 2 Frush's Sq. Addn. to Portland, Oregon	103.00	
Propn. Salary Judge Payson Sept. 62.50		
Expenses at Washington D. C. a/c Ld. Dept.. 2.44	64.94	
Dec. 31. By Payment by New York Office during October 1909.....		193.85
Original cost of Turntable and Spur at Drain, Oregon abandoned	105.85	
Accounts Payable Land		

DISBURSEMENTS

Dept. Propn. Salary		
Judge Payson Oct.	62.50	
Coupons paid.....	25.00	
Dec. 31. By Sundry disbursements by San Francisco Office during Dec. 1909		4,457.04
viz: Land Department	4,417.04	
General Expenses		
Rent of Vault Nov.	5.00	
Directors Fees....35.00	40.00	
Dec. 31. By Coupons paid by New York Office during Dec. 1909.....		1,000.00
Dec. 31. By Acct. Spur Track at Alca, abandoned		421.97
1910.		
Jany. 31. By Coupons and registered bonds interest paid by New York Office during January 1910.....		393,475.00
Jany. 31. By Sundry disbursements by San Francisco Office during Jany. 1910		3,470.90
viz: Land Department	3,430.90	
General Expenses		
Rent of Vault Dec.	5.00	

DISBURSEMENTS

Directors Fees ...35.00	40.00	
Feby. 28. By Sundry disbursements by San Francisco Office during Jany. 1910		83.39
viz: General Expenses		
Advtg. notice Special Meeting O. & C. R. R. Co.	70.00	
Printing O. & C. Trust Fund Account Statements	13.39	
Feby. 28. By Coupons paid by New York Office during Feby. 1910.....		36,775.00
Feby. 28. By Sundry disbursements by San Francisco Office during Feby. 1910		4,414.39
viz: Land Department	2,631.44	
Southern Pacific Railroad Co. Propn. of General Expenses for six months ending Dec. 31, 1909	1,742.70	
General Expenses		
Files Boxes 5.25		
Directors Fees ...30.00		
Rent of Vault Jany. 5.00	40.25	

DISBURSEMENTS

Feby. 28. By Payment by New York Office during Dec. 1909.....		9.50
acct. Printing Cremation Certifiate No. 6.....	8.50	
Recording Release of Mtge.	1.00	
March 31. By Acct. Spur Track near Whitison, Oregon, abandoned.....		1,085.73
Carried Forward		6,904,745.63
1910. Brought Forward		6,904,745.63
March 31. By Payment by New York Office during January 1910.....		6,209.50
Accounts Payable Land Department Notarial Fees 9.00		
A. A. Hoehling Jr.. .50	9.50	
Coupons paid.....	6,200.00	
March 31. By Sundry disbursements by San Francisco Office during Mch. 1910		188,509.99
Acct. Land Department..188,866.55		
General Expenses		
Directors Fees	30.00	
4 Binders for Lists	2.86	
Copy Vol. 87 Land		

DISBURSEMENTS

Decisions	.58	8.44
Sale of Lot 2, Blk. 7 of the R. R. Addition to Town of Brooks, Marion Co. Ore.	100.00	
Rental of Lot 2, Blk. 7 of the R. R. Addition to Town of Brooks Marion Co. Ore. from Nov. 1, 1908 to Oct. 31, 1909	10.00	
April 30. By Payment by New York Office during Apl. 1910.....		2,365.00
viz: Accounts Payable Land Department		
Cash payment to P. Palmer	15.00	
Coupons paid	2,350.00	
April 30. By Sundry disbursements by San Francisco Office during April 1910		7,960.89
viz: Land Department	7,920.89	
General Expenses		
Rent of Vault Feby.	5.00	
Rent of Vault Mar.	5.00	
Directors Fees ...30.00	40.00	

DISBURSEMENTS

May 31. By Payments by New York Office during May 1910.....		1,095.00
viz: Accounts Payable Land Department P. Palmer..	20.00	
Coupons paid	1,075.00	
May 31. By Sundry disbursements by San Francisco Office during /Apl. 1910		3.18
acct. Stationery		
May 31. By Sundry disbursements by San Francisco Office during May 1910		4,093.44
acct. Land Department.	4,047.24	
General Expenses		
Directors Fees ...30.00		
Advtg. notice annual meeting of Stock-holders 11.20		
Rent of Vault April 5.00	46.20	
June 30. By Interest on Open Account with Southern Pacific Co. for the year ending June 30, 1910.....		395,512.14
June 30. By Payments by New York Office during June 1910.....		1,000.25
viz: Accts. Payable Land Dept.		

DISBURSEMENTS

A. A. Hoehling Jr. Expenses	.25	
Coupons paid	1,000.00	
June 30. By Sundry disbursements by San Francisco Office during June 1910		5,507.86
viz: Land Department	5,467.86	
General Expenses		
Directors Fees ...85.00		
Rent of Vault, May 5.00	40.00	
June 30. By Constructing Sidewalk in front of Lot 3, Blk. 8 Homestead Addn. Portland, Oregon		258.77
June 30. By Expenditures during year ending June 30, 1910, viz:		
Equipment		118,187.66
Equipment charged to O. & C. R. R. 107,843.35		
Equipment built at Company's Shops	10,344.31	
Additions		180,177.15
Betterments		887,725.86
Equipment		8,974.82

DISBURSEMENTS

Rentals for Joint Tracks, Yards and other Facilities Prop. Cos..	7,827.44
Rentals for Joint Tracks, Yards and other Facilities Outside Cos.	64,953.20
Rental for Lease of Road—S. P. Co.	111.48
Rental for Lease of Road—Secondary Cos.	12,500.00
Rental for Lease of Road—Outside Cos.	3,801.90
Hire of Equipment	348,472.14
Operating Expenses	4,485,349.80
Outside Operations—Expenses ..	223,807.94
Taxes	354,113.11
Total	18,602,763.65

1910.

June 30. By Balance	4,503,077.45
July 31. By Coupons and registered bonds interest paid by New York Office during July 1910.....	407,250.00
July 31. By Sundry disbursements by San Francisco Office during July 1910	3,006.42

DISBURSEMENTS

viz: Land Department 2,981.42

General Expenses

Directors Fees ...20.00
Rent of Vault, June 5.00 25.00

Unadjusted Accounts

License Fee O. & C. R. R. Co....

Aug. 31. By Sundry disbursements by San Francisco Office during Aug. 1910 ..... 4,442.36

viz: Land Department 4,349.36

General Expenses

Rent of Vault July 5.00

Directors Fees ...70.00

Certified Copy of Art. of Incorporation etc. 18.00 93.00

Aug. 31. By Payments by New York Office during August 1910 ..... 29,010.00

viz: Union Trust Co. Trustee Special Deposit Property covd. by O. & C. R. R. Co. Deed No. 412 sold to Roy W. Minkler 1,800.00

DISBURSEMENTS

P. Palmer expenses ...	10.00	
Coupons paid	27,200.00	
Sept. 30. By Payments by New York Office during Sept. 1910		4,000.25
viz: A. A. Hoehling Jr.	.25	
Coupons paid	4,000.00	
Sept. 30. By Sundry disbursements by San Francisco Office during Sept. 1910		129,240.44
viz: Land Department ..	129,175.44	
General Expenses		
Rent of Vault Aug.	5.00	
Directors Fees ...60.00	65.00	
Oct. 31. By Payments by New York Office during October 1910.....		2,660.00
viz: Notarial Fees Peter Palmer	10.00	
Coupons paid	2,650.00	
Oct. 31. By Sundry disbursements by San Francisco Office during Oct. 1910		10,822.80
viz: Land Department	10,801.80	
General Expenses		

DISBURSEMENTS

Rent of Vault Sept. 5.00		
Directors Fees ... 15.00	20.00	
Real Estate		
Notarial Fees.....	1.00	
Nov. 30. By Payments by New York Offices during Nov. 1910.....		1,918.65
viz: A. A. Hoehling Jr.....	34.65	
P. Palmer	9.00	
Coupons paid	1,875.00	
Nov. 30. By Sundry disbursements by San Francisco Office during Nov. 1910		5,151.99
viz: Land Department	3,575.87	
Southern Pacific Railroad Co. Propn. of General Expenses six months ending June 30, 1910	1,576.12	
Dec. 31. By Coupons paid by New York Office during Dec. 1910.....		1,250.00
Dec. 31. By Payment by New York Office during Nov. 1910.....		.....
viz: Notarial Fees—L. Elwell.....		1.50

DISBURSEMENTS

Dec. 31. By Sundry disbursements by San Francisco Office during Dec. 1910			5,269.97
viz: Land Department	5,194.97		
General Expenses			
Directors .Fees .	65.00		
Rent of Vault Oct. and Nov.	10.00	75.00	
1911			
Jany. 31. By Payments by New York Office during January 1911			407,628.37
viz: General Expenses			
A. A. Hoehling, Jr. Stationery	3.37		
Coupons paid	407,350.00		
Interest on Registered Bonds	275.00		
Jany. 31. By Sundry disbursements by San Francisco Office during Jany. 1911..			4,818.99
viz: Land Department	3,694.66		
General Expenses			
Rent of Vault..	5.00		
Directors Fees	35.00	40.00	

DISBURSEMENTS

Southern Pacific Railroad Co. Propn. Genl. Exp. 6 mos. ending Dec. 31, 1910	1,084.33	
Carried Forward		5,519,549.19
1911 Brought Forward		5,519,549.19
Feby. 28. By Payments by New York Office during February 1911.....		25,718.00
viz: Accts. Payable Land Department		
Notarial Fees—P. Palmer	17.00	
General Expenses		
Notarial Fees—P. Palmer	1.00	
Coupons paid	25,700.00	
Feby. 28. By Sundry disbursements by San Francisco Office during Feby. 1911		2,711.12
viz: Land Department	2,681.12	
General Expenses		
Rent of Vault Jany 5.00		
Directors Fees ...25.00	30.00	
March 31. By Coupons paid by New		

DISBURSEMENTS

York Office during March 1911....		5,150.00
March 31. By Sundry disbursements by San Francisco office during March, 1911		160,401.40
viz: Land Department ...	160,060.11	
General Expenses		
Rent of Vault Feby	5.00	
Directors Fees ...	45.00	
Ptg. 150 Copies Art. of Inc. etc	79.65	
Ptg. 150 Copies By Laws O. & C....	20.75	
5 Certified Copies Art. of Inc	165.00	315.40
Propn. Amt. paid for copy of manual of Surveys, etc ...	.58	
Propn. of Amt. paid for State Maps.....	.50	
Wells Fargo & Co. Express Chgs. on coin envelopes to pay Taxes	24.91	25.99

DISBURSEMENTS

April 30. By Payment by New York Office during April 1911.....		2,358.00
viz: Notarial Fees—P. Palmer	8.00	
Coupons paid 2,350.00		
April 30. By Sundry disbursements by San Francisco Office during Apl. 1911		13,689.51
viz: Land Department		
May 31. By Coupons paid by New York Office during May 1911....		1,975.00
May 31. By Payment by New York Office during May 1911		.50
viz: General Expenses		
Notarial Fees—L. Elwell.....		
May 31. By Sundry disbursements by San Francisco Office during May 1911		8,400.69
viz: Land Department	8,340.69	
General Expenses		
Rent of Vault Mch 5.00		
Directors Fees 55.00	60.00	
June 30. By Coupons paid by New York Office during June 1911.....		150.00

DISBURSEMENTS

June 30. By Interest on Open Account Southern Pacific Co. for year ending June 30, 1911		$10,892.40
June 30. By Interest on Construction Account "Motor Car Line Ashland, Oregon," year ending June 30, 1911		1,172.40
June 30. By Payments by New York Office during June 1911		1,244.20
viz: Accounts payable Land Department		
Certified Copies of Railroad Patent No. 210		
O. & C. R. R. Co. ..	640.95	
General Expenses		
Certified Copy of petition of Citizens of Oregon, requesting Constn. of a bridge across the Des Chutes River	3.25	
Coupons paid	600.00	
June 30. By Sundry disbursements by San Francisco Office during June 1911		3,899.84
viz: Land Department	3,702.09	

DISBURSEMENTS

General Expenses

Directors Fees ...95.00		
Rent of Vault Apl. 5.00		
Rent of Vault May 5.00		
Sundry disbursements a/c furnishing various documents requested by Mr. Maxwell Everts 92.75	197.75	

Unadjusted Accounts

License Fee—O. & C. R. R. Co.

June 30. By Payments reported by New York Office, June 1911

June 30. By Disbursements by A. A. Hoehling Jr. 12.80

June 30. By Expenditures during year ending June 30, 1911.

Motor Car Line—Ashland, Ore.

Construction	33,080.22
Additions	878,082.25
Betterments	206,011.82
Operating Expenses	4,544,158.89
Outside Operations—Expenses ..	289,515.17

DISBURSEMENTS

	Taxes	429,184.94
	Carried Forward	11,887,307.94
1911	Brought Forward	
June 30.	By Rentals for Joint Tracks Yards and other Facilities—Prop. Cos.	7,327.44
	Rentals for Joint Tracks, Yards and other Facilities—Outside Cos.	96,185.65
	Rentals for Lease of Road—Secondary Cos.	47,777.78
	Rentals for Lease of Road—Outside Cos.	6.00
	Rentals for Lease of Road—S. P. Co.	111.48
	Hire of Equipment	354,290.94
June 30.	By Equipment Purchased	61,510.64
June 30.	By Equipment built at Company's Shops	6,337.85
	Total	12,460,855.72
1911		
June 30.	By Balance	3,327,116.84
July 31.	By Sundry disbursements by San Francisco Office during July 1911	2,347.33
	viz: Land Department ... 2,312.33	

DISBURSEMENTS

General Expenses			
Rent of Vault June	5.00		
Directors Fees	30.00	35.00	
June 31. By Payments by New York Office during July 1911			411,213.50
viz: Notarial Fees—P. Palmer		11.00	
General Expenses			
Services Copyist		2.50	
Coupons paid		411,200.00	
Aug. 30. By Coupons paid by New York Office during August 1911..			21,975.00
Aug. 31. By Sundry disbursements by San Francisco Office during August 1911			6,287.83
viz: Land Department ...		4,772.48	
Southern Pacific Railroad Co. Propn. of General Expenses for six months ending June 30 1911		1,515.35	
Sept. 30. By Payments by New York Office during September 1911.....			4,710.00
viz: Coupons paid		4,700.00	

DISBURSEMENTS

Notarial Fees—Peter Palmer	9.00	
General Expenses		
Notarial Fees—Peter Palmer	1.00	
Sept. 30. By Sundry disbursements by San Francisco Office during Sept. 1911		162,239.75
viz: Land Department ...	162,150.25	
General Expenses		
W. W. Cotton Sdy. Disbursements ..	19.50	
Rent of Vault July	5.00	
Rent of Vault Aug	5.00	
Directors Fees ...	60.00	89.50
Oct. 31. By Registered bonds interest paid by New York Office During July 1911		275.00
Oct. 31. By Coupons paid by the New York Office during Oct. 1911.....		3,225.00
Oct. 31. By Sundry disbursements by San Francisco Office during Oct. 1911		3,272.84
viz: Land Department	3,208.18	

DISBURSEMENTS

General Expenses		
Directors Fees ...55.00		
Rent of Vault Sept 5.00		
Stationery (Cash Vouchers) 4.16		
Notarial Fees .... .50	64.66	
Nov. 30.By Payments by New York Office during November 1911.....		858.85
viz: Accts. Payable Land Department		
Printing Schedules from Reports of O. & C. R. R. Co. to Commissioners of Railroads Department of the Interior 8.00		
Adams Express Co. Chgs... .35		
Coupons paid 850.00		
Nov. 30. By Sundry disbursements by San Francisco Office during Nov. 1911		4,016.26
viz: Land Department 3,976.26		
General Expenses		
Directors Fees ...35.00		
Rent of Vault Oct. 5.00	40.00	
Dec. 31. By Sundry disbursements by San Francisco Office during Dec. 1911		5,039.20

DISBURSEMENTS

viz: Land Department 5,008.48

General Expenses

Rent of Vault Nov. 5.00

Directors Fees ...30.00

Towel Service ..... .77 35.77

1912

Jany. 31. By Coupons paid by New York Office during January 1912.. 197,175.00

Carried Forward 4,149,751.90

1912 Brought Forward 4,149,751.90

Jany. 31. By Sundry disbursements by San Francisco during Jany. 1912.. 4,269.40

a/c Land Department

Feby. 29. By Payments by New York Office during Feby. 1912 ..... 27,509.16

viz: General Expenses

A. A. Hoehling Jr. 5.76

J. C. Rankin Ptg. 3.40 9.16

Coupons paid 27,500.00

Feby. 29. By Sundry disbursements by San Francisco Office during Feby. 1912 .... 5,507.60

viz: Land Department ... 4,159.56

DISBURSEMENTS

General Expenses

Rent of Vault Dec 5.00

Rent of Vault Jany. 5.00

Directors Fees ..55.00

Propn. Towel Service ..... .28 65.28

Southern Pacific Railroad Co. Propn. of General Expenses for six months ending Dec. 31, 1911 ..... 1,282.76

March 31. By Payments by New York Office, during March 1912 ..... 4,108.25

viz: General Expenses

Printing Letter Heads.. 8.25

Coupons paid 4,100.00

March 31. By Sundry disbursements by San Francisco Office during March 1912 .... 208,877.08

viz: Land Department 208,842.08

General Expenses

Rent of Vault Feby. 5.00

Directors Fees ...30.00 35.00

April 30. By Payments by New York Office during April 1912 ..... 1,946.50

DISBURSEMENTS

viz: General Expenses

General Land Office Washington for Tracing Plat Tp. 30 S. R. 33 E. M. D. B. M. 6.30

General Land Office Washington, Certified Copies of Letters of Wm. D. Fenton for use in Suit 3340 U. S. vs. O. & C. 37.00

Mary M. Day—Typewriting 69.50

Copy Annual Report of Commissioner of General Land Office 1883 ..... .75

Copies of Senate Reports and House Miscl. Documents 7.85 115.20

Coupons paid ....., 1,825.00

Apl. 30. By Sundry disbursements by San Francisco Office During April 1912 ..... 21,867.64

viz: Land Department 16,106.67

General Expenses

Rent of Vault Mch. 5.00

DISBURSEMENTS

Directors Fees ..100.00

Preparing Copies of Resolution of Directors O. & C. R. R. also for making copies of records destroyed by fire in New York 72.70

Assessment levied by City of Portland against property on S. Line of Holgate St. for extension of Sewer 5,541.40

Cost of fencing land on Cleveland St. in Woodburn, Oregon 40.67 5,759.77

Privilege to cross Right of Way Cancellation of credit on account of privilege granted to outside parties to place wire across Company's Right of Way 1.20

May 31. By Sundry disbursements by San Francisco Office during May 1912 ..... 8,097.97

viz: Land Department 7,614.77

DISBURSEMENTS

General Expenses

Directors Fees ..	35.00	
Rent of Vault April	5.00	
Notarial Fees	.50	
Stationery	.18	
Expenses preparing Copies of Resolutions of Directors also for making copies of records destroyed by fire in New York	127.10	167.78

	Carried Forward	4,431,930.45
1912	Brought Forward	4,431,930.45
May. 31.	By Unadjusted Accounts	
	Improvement assessment levied by City of Portland against tract of land in Homestead Addn. 8.07	
	Cost of fencing land on Cleveland St. in Woodburn, Oregon..102.22	
	Cost of fencing lots 7 and 8 blk. 66, Grants Pass, Oregon . .36.23	

DISBURSEMENTS

	Assessments for improvements against NE¼ of Blk. 8 and SE¼ of Blk. 5, City of Albany, Ore.....168.90	315.42
May 31.	By Payments by New York Office during May 1912	1,786.45
	viz: General Land Office for certified copies of papers etc. requested by Wm. F. Herrin .4.45	
	Comparing copies of O. & C. reports for use in suit of U. S. vs. O. & C. R. R. Co. 5.00	
	General Land Office for certified copies Maps of Oregon Central R. R. Co. 14.00	
	Notarial Fees , Peter Palmer 13.00	36.45
	Coupons paid 1,750.00	
June 30.	By Sundry Payments by San Francisco Office during June 1912	4,418.44

DISBURSEMENTS

viz: Land Department	4,327.64	
General Expenses		
Propn. cost of changing location of Telephone	.33	
Rent of Vault May	5.00	
Directors Fees ...	35.00	40.33
Cost of fencing lots 7 and 8 Blk. 66, Grants Pass Oregon		50.47
June 30. By Payments by New York Office during June 1912		850.25
viz: Notarial fees—M. S. W. Day	.25	
Coupons paid	850.00	
June 30. By Coupons paid by New York Office during Jany. 1912 (Additional)		37,900.00
June 30. By Interest on Open Account with Southern Pacific Co. for the year ending June 30, 1912		240,873.15
June 30. By Expenditures during year ending June 30, 1912		
Operating Expenses		4,752,519.91
Outside Operations Expenses		229,391.71

DISBURSEMENTS

Taxes	573,456.18
Rentals for Joint Tracks Yards and Terminal Facilities—Proprietary Cos.	7,327.44
Rentals for Joint Tracks Yards and Terminal Facilities—Outside Cos.	86,173.69
Hire of Equipment—S. P. Co.	191,475.00
Hire of Equipment—Balance—Operating Offices	251,666.49
Rentals for Lease of Road—Secondary Companies	50,000.00
Rentals for Lease of Road—Outside Companies	1,500.00
Additions and Betterments	250,201.06
Total	11,111,470.22
June 30, 1912. By Balance	2,542,721.18

DEFENDANTS' EXHIBIT 291

purports to be a financial statement showing Trust Fund Account, Statement to Union Trust Company of New York, Trustee under Indenture dated July 1, 1887, of Trust Fund Account, month of June, 1912, and is as follows:

DEFENDANTS' EXHIBIT 291

(12-7-09-250 S-8348) Form 221 O. & C. *No. A-75*

OREGON & CALIFORNIA RAILROAD CO.

NO. 7.—TRUST FUND ACCOUNT.

Statement to Union Trust Company of New York, Trustee under Indenture dated July 1, 1887, of Trust Fund Account, month June, 1912.

CASH EXPENDITURES—	For the Current Month	From May 18, 1887, To Beginning of Current Month	From May 18, 1887, To End of Current Month
Expenses and Taxes	$1,952.72	$3,060,412.08	$3,062,364.80
Balance due Trustee			1,540,886.02
Total			$4,603,250.82

CASH RECEIPTS—	For the Current Month	From May 18, 1887, To Beginning of Current Month	From May 18, 1887, To End of Current Month
Principal of deferred payments	$818.00		
Interest on deferred payments	799.14		
Interest on overdue payments			
Cash payments on new sales			
Stumpage and depredations			
Land Leases	67.96		
Expenses and Taxes refunded	4.17		
Other Collections (Timber Sales)	1,820.00		
		$4,600,241.55	
		Total	$4,603,250.82

UNION TRUST COMPANY OF NEW YORK, TRUSTEE IN ACCOUNT WITH OREGON & CALIFORNIA RAILROAD COMPANY IN RESPECT OF PROCEEDS FROM SALE OF LANDS.

Cash paid over to Trustee as per previous statement	$2,497,713.01

BALANCE PAYABLE TO TRUSTEE.

Total	$2,497,713.01
Balance due Trustee as above	$1,540,886.02
Advances by O. & C. R. R. Co. for Expenses and Taxes	956,826.99
Total	$2,497,713.01

STATEMENT OF APPLICATION OF CASH RECEIPTS BY TRUSTEE TO DATE.

Cash paid over to Trustee as above	$2,497,713.01
Interest allowed by Trustee on cash deposits	51,523.87
Total	$2,549,236.88

THIS PAGE IS BOUND

Paid for 2255 called bonds	$2,245,075.00
Paid for accrued interest on called bonds	51,175.00
Paid John C. Spooner (retainer) 5,000. Union Trust Co. of N. Y. 1,577.58	6,577.58
Paid Miller, King, Lane and Trafford $2,536.13, Hon. John M. Gearin $300.00	2,836.13
Paid Dolph, Mallory, Simon and Gearin—Services	713.41
Cash in hands of Trustee unapplied	242,859.76
Total	$2,549,236.88

I hereby certify the foregoing to be correct.

.....

Secretary

San Francisco, Cal., July 8th, 1912.

DEFENDANTS' EXHIBIT 292

purports to be Oregon and California Railroad Company forms of statement to Union Trust Company under Indenture of July 1, 1887:

1. Contracts made for sales of land.
2. Memorandum of contract made for sale of land.
3. Land sales and collections.
4. Miscellaneous cash collections.
5. Land contracts cancelled.
6. Abstract of disbursements.
7. Trust fund account.
8. Deeds authorized for execution by board of directors.
9. Certified copy of resolution of board of directors.

This exhibit is not printed, but certified up under order of Court, and stipulation of parties.

DEFENDANTS' EXHIBIT 293

is as follows:

Total Cost of Construction of the East Side and West Side Roads

including branch lines of Oregon and California Railroad Company.

It is impossible to segregate this cost between East and West Side roads, or branches; therefore they are taken together.

Figures below have been taken from the Annual Reports of the Southern Pacific Company to the Interstate Commerce Commission, fiscal years ending December 31st, 1888 to 1895, inclusive, and June 30th, 1897 to 1911, inclusive.

It is impossible to verify the figures reported for the years prior to the fire of April 18th, 1906.

December 31st, 1888	$30,927,000.00
December 31st, 1889	31,218,750.00
December 31st, 1890	33,609,205.26
December 31st, 1891	34,549,207.72
December 31st, 1892	35,028,915.81
December 31st, 1893	36,099,532.29
December 31st, 1894	36,242,162.78
December 31st, 1895	36,375,844.26
June 30th, 1897	36,501,686.80
June 30th, 1898	36,608,220.95
June 30th, 1899	36,608,220.95
June 30th, 1900	36,565,246.77
June 30th, 1901	36,802,287.11
June 30th, 1902	36,956,868.51
June 30th, 1903	37,161,528.91
June 30th, 1904	37,359,411.44
June 30th, 1905	37,655,785.72
June 30th, 1906	38,315,101.40
June 30th, 1907	39,286,577.12
June 30th, 1908	39,623,841.12
June 30th, 1909	39,778,744.96
June 30th, 1910	40,295,860.59
June 30th, 1911	40,908,780.05
June 30th, 1912	41,147,417.58

DEFENDANTS' EXHIBIT 294

is as follows:

Statement Concerning Lands Involved in Certain Suits Pending in the Circuit Court of the United States for the District of Oregon Wherein the United States of America Is Complainant, and Oregon and California Railroad Company, Southern Pacific Company, Stephen T. Gage, (Individually and as Trustee), Union Trust Company, (Individually and as Trustee), and the Several Parties Hereinafter Named in Respect of Each Suit, Are Defendants.

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
Suit No. 3416,		W. M. Ladd, Additional Defendant.			Grantee: W. M. Ladd.		
3351	12/27/89	W. T. Bodley	720.00	$ 4.00	$2,880.00	2582	12/12/98
		Not in Bill of Complaint	240.00	4.00	960.00	2582	12/12/98

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
					Grantee: W. M. Ladd.		
			80.00	4.00	320.00	3ONT	12/12/98
3804	4/ 7/91	W. T. Bodley	240.00	4.00	960.00	2583	12/12/98
		Total in suit	1040.00		4,160.00		
Suit No. 3417,		Albert R. Downs & Edward R. Downs, Additional Defendants.					
					Grantee: A. R. Downs.		
6434	3/14/02	A. R. Downs	2557.76	4.00	10,231.04	475E	7/28/11
6468	4/10/02	A. R. Downs	640.00	4.00	2,560.00	502E	5/15/12
6575	6/27/02	A. R. Downs and E. R. Downs	160.00	5.00	800.00		
					Contract outstanding awaiting survey.		
		Not in Bill	480.00	5.00	2,400.00		Unsurveyed
6577	6/27/02	A. R. Downs	760.38	4.00	3,041.52	510E	8/8/12
		Total in suit	4118.14		16,681.56		

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
Suit No. 3418,		Wade H. Richardson, Additional Defendant.					
6567	6/25/02	Wade H. Richardson	9759.64	11.00	107,856.00		
					Paid in full 5/28/12		
		Not in Bill	200.00	11.00	2,200.00		
		Total in suit	9759.64		107,856.00		
Suit No. 3419,		John M. Keith & Keith Oil and Land Co., Additional Defendants.					
4855	9/1/96	J. M. Keith	40.00	3.00	120.00		
		Violation in price only					
					In default since 1897.		
					Grantee: John M. Keith.		
5780	6/30/00	John M. Keith	599.08	2.50	1,479.70	3674	7/6/04

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
					Grantee: John M. Keith.		
5781	7/3/00	John M. Keith	1460.19	2.50	3,650.48	3675	7/6/04
5849	9/15/90	John M. Keith	1634.09	2.50	4,085.22	3702	10/3/04
		Total in suit	3733.86		9,353.35		
Suit No. 3420,		Ashland Manufacturing Co., Additional Defendant.					
					Grantee: Ashland Manufacturing Co.		
4980	3/10/97	E. E. Hills No violation	120.00	2.50	300.00	3548	12/14/03
4983	7/6/97	A. Adelaide Beebe No violation	37.85	2.50	94.63	3540	12/14/03
4988	7/12/97	A. Adelaide Beebe Accumulated violation under 1000 acres	160.00	2.50	400.00	3539	12/14/03

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
			Grantee: Ashland Manufacturing Co.				
5143	5/4/98	H. J. Hicks	262.88	2.50	657.20	3542	12/14/03
5155	5/31/98	H. J. Hicks	400.00	2.50	1,000.00	3541	12/14/03
		Violation under 1000 acres					
6555	6/17/02	The Ashland Manufacturing Co.	1040.00	3.50	3,640.00	158E	7/22/07
		Total in suit	2020.73		6,091.83		
Suit No. 3421,		Jackson A. Graves, Additional Defendant.					
					Grantee: J. A. Graves.		
5857	9/28/00	John M. Keith	1560.00	2.50	3,900.00	8B	12/1/04

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
					Grantee: J. A. Graves.		
5884	10/18/00	John M. Keith	320.62	2.50	801.55	8B	12/1/04
		Total in suit	1880.62	2.50	4,701.55		
Suit No. 3422,		Elk Creek Lumber Co., Aditional Defendant.					
					Grantee: The Elk Creek Lumber Co.		
6016	2/16/01	G. R. Child & J. F. Barker	920.00	3.30	3,040.00	83E	3/13/07
					Grantee: The Elk Creek Lumber Co.		
6232	8/7/01	J. F. Barker & G. R. Childs	240.00	3.00	720.00	83E	3/13/07
		Total in suit	1160.00		3,760.00		

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
Suit No. 8423,		Hammond Lumber Co., Additional Defendant.					
					Grantee: Hammond Lumber Co.		
5963	12/31/00	The Astoria Co.	14533.74	8.00	116,269.92	110E	4/17/07
		Total in suit	14533.74		116,269.92		
Suit No. 8423,		Booth-Kelly Lumber Co., Detroit Trust Co. (individually and as Trustee), John F. Kelly (individually and as Trustee), Bernard Marvin, George W. Deans, Joseph Gillespie, James P. O'Brien, and L. A. Brown, Additional Defendants.					
					Grantee: The Booth-Kelly Lumber Co.		
4782	12/18/95	W. T. Bodley	681.58	3.91	2,668.70	3019	4/8/01
4783	12/18/95	W. T. Bodley	480.00	6.00	2,880.00	3020	4/8/01

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
				Grantee: Booth-Kelly Lumber Co.			
4982	7/6/97	C. A. Logan No violation	40.00	2.50	100.00	3347	11/3/02
5046	11/16/97	C. H. Burkholder Violation in price only	41.62	4.50	187.29	2995	2/18/01
5144	5/10/98	G. D. Shirey Under 1000 acres	240.00	4.00	960.00	3499	8/3/03
5198	9/1/98	George W. Dean Violation in price only	40.00	5.00	200.00	3577	2/8/04
5242	10/31/98	J. I. Jones Violation in price only	154.43	6.00	926.58	3484	7/6/03

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
				Grantee: Booth-Kelly Lumber Co.			
5283	12/23/98	Chas. K. Spaulding Logging Co. Violation in price and perhaps "Actual Settler"	160.00	5.00	800.00	2B	12/1/04
5314	2/21/99	The Booth-Kelly Lumber Co.	678.55	3.50	2,374.98	2B	12/1/04
5318	3/3/99	Mrs. R. Nettle Violation in price only	80.00	4.00	320.00	3288	8/11/02
				Grantee: The Booth-Kelly Lumber Co.			
5332	3/31/99	Booth-Kelly Lumber Co.	17248.70	7.00	120,739.64	1B&2B	12/1/04

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
				Grantee: Booth-Kelly Lumber Co.			
			40.00	7.00	280.00	209NT	12/1/04
			40.00	7.00	280.00	210NT	12/1/04
5332A	5/31/99	Booth-Kelly Lumber Co.	720.00	7.00	5,040.00	2B	12/1/04
5369	5/13/99	Ben F. Dearing Violation in price only	39.70	4.50	178.65	2B	12/1/04
5404	7/5/99	The Booth-Kelly Lumber Co.	2044.90	5.81	12,000.00	2B	12/1/04
5433	8/29/99	The Booth-Kelly Lumber Co.	1155.20	6.91	7,986.40	2B	12/1/04
5458	10/4/99	The Booth-Kelly Lumber Co.	1036.15	4.07	4,225.98	2B	12/1/04

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
			Grantee: Booth-Kelly Lumber Co.				
5495	10/31/99	The Booth-Kelly Lumber Co.	2350.43	7.00	16,450.00	2B	12/1/04
5654	3/15/00	The Booth-Kelly Lumber Co.	40.00	3.80	152.00	2836	3/19/00
5688	4/13/00	A. D. Hyland & E. E. Upmeyer	3000.00	7.50	22,500.00	2B	12/1/04
5792	7/—/00	The Booth-Kelly Lumber Co.	40.00	3.32	133.00	89NT	9/3/00
5809	7/31/00	J. J. Jones & J. W. Cook Bill reads S1/4 of SE1/4	10,004.86	5.25	52,525.50	2B	12/1/04

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Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
		7-22S-2W should be S½ of SE¼ 7-22S-2W		Grantee: Booth-Kelly Lumber Co.			
5878	10/13/00	Booth-Kelly Lumber Co.	200.00	7.50	1,500.	2936	10/20/00
5897	10/31/00	Amos D. Hyland, N. G. Hyland, E. E. Upmyer & Geo. H. Woodbury	3795.18	7.50	28,463.85	2B	12/1/04
5921	11/24/00	Booth-Kelly Lumber Co.	40.00	4.75	190.00	2957	12/17/00
5970	1/9/01	Booth-Kelly Lumber Co.	1244.71	4.48	5,578.78	3642	5/9/04
5971	1/9/01	Booth-Kelly Lumber Co. Bill reads parts of Sec.	40.00	8.00	320.00	3589	2/8/04

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
		15-15S-1W should read parts of Sec. 13-15S-1W.					
				Grantee: Booth-Kelly Lumber Co.			
5971A	1/9/01	Booth-Kelly Lumber Co.	160.00	5.50	880.00	187NT	2/8/04
5972	1/9/01	Booth-Kelly Lumber Co.	40.00	8.00	320.00	2993	2/18/01
6180	6/17/01	Lou S. Hill Violation in price only	80.00	6.00	480.00	2B	12/1/04
6256	8/26/01	The Booth-Kelly Lumber Co.	320.00	5.00	1,600.00	2B	12/1/04
6269	9/18/01	The Booth-Kelly Lumber Co.	1360.00	10.00	13,600.00	2B	12/1/04

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
6320	11/16/01	The Booth-Kelly Lumber Co.	Grantee: Booth-Kelly Lumber Co.				
			40.00	2.85	114.00	3170	12/2/01
6346	12/20/01	The Booth-Kelly Lumber Co.	40.00	4.75)			
				)			
			40.00	3.32)	323.00	3186	1/13/02
6347	12/21/01	The Booth-Kelly Lumber Co.	80.00	7.60	608.00	3187	1/13/02
6348	12/31/01	The Booth-Kelly Lumber Co.	40.00	7.60	304.00	136NT	1/13/02
6349	12/21/01	John F. Kelly, Trustee	19283.71	10.00	192,837.10		Outstanding
6353	12/-/01	Booth-Kelly Lumber Co.	40.00	4.75	190.00	137NT	1/13/02

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
				Grantee: Booth-Kelly Lumber Co.			
6436	3/20/02	Booth-Kelly Lumber Co.	40.00	6.65	266.00	3223	4/7/02
6594	7/9/02	Booth-Kelly Lumber Co.	40.00	4.75	190.00	3286	8/11/02
6648	9/-/02	Booth-Kelly Lumber Co.	40.00	10.00	400.00	211	12/1/04
6661	9/26/02	J. W. Parrish Violation in price only	160.00	3.00	480.00	101E	4/4/07
6678	10/24/02	J. W. Parrish & N. H. Martin No violation	80.00	2.50	200.00	102E	4/4/07
		Total in suit	67559.72		502,753.40		

Deeds 1B & 2B as given in Bill disagree with above figures, being 274.98 acres less, but the consideration agrees with above figures.

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
Suit No. 8425,		L. A. Lewis, Columbia Mines Co., G. W. Blalock, John J. Blalock, Clementine F. Lewis, S. B. Pettingill, Charles H. Burton, G. W. Boynton, Eliza J. Boynton, James Eugene Lord, William P. Dunham, Greenback Gold Mining Co. & Victor Junior Gold Mining Co., Additional Defendants.					
						Grantee: L. A. Lewis.	
4453	12/16/98	L. A. Lewis	461.17	2.50	1,152.92	2673	8/21/99
			40.00	2.50	100.00	2926	10/29/00
4677	8/29/95	L. A. Lewis	40.00	2.50	100.00	2674	8/21/99

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
					Grantee: L. A. Lewis.		
4678	8/29/95	L. A. Lewis Bill shows deed 2675 as dated Aug. 24, '99.	20.00	2.50	50.00	2675	8/21/99
4679	8/29/95	L. A. Lewis	30.00	2.50	75.00	2676	8/21/99
4680	8/29/95	L. A. Lewis	20.00	2.50	50.00	2677	8/21/99
4845	8/29/96	L. A. Lewis	40.00	2.50	100.00	2678	8/21/99
4846	8/29/96	L. A. Lewis	40.00	2.50	100.00	2679	8/21/99
4847	8/29/96	L. A. Lewis	40.00	2.50	100.00	2680	8/21/99
4848	8/29/96	L. A. Lewis	40.00	2.50	100.00	2681	8/21/99
4849	8/29/96	L. A. Lewis	40.00	2.50	100.00	2682	8/21/99

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Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
					Grantee: L. A. Lewis.		
4850	8/29/96	L. A. Lewis	40.00	2.50	100.00	2683	8/21/99
4851	8/29/96	L. A. Lewis	40.00	2.50	100.00	2652	6/12/99
4852	8/29/96	L. A. Lewis	40.00	2.50	100.00	2684	8/21/99
					Grantee: Edwin Nicodemus.		
4862	9/25/96	Edwin Nicodemus Not in Bill	40.42		100.30	2376	8/10/97
					Grantee: L. A. Lewis.		
			241.63	2.48	599.70	2376A	8/21/99
		Bill shows deed 2376A as dated Nov. 9, '96. Violation under 1000 acres.					

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
					Grantee: L. A. Lewis.		
4869	10/8/96	L. A. Lewis Bill shows deed as dated Feby. 15, '97.	34.98	2.37	83.08	2380	8/21/99
5099	3/30/98	L. A. Lewis	40.00	2.50	100.00	3512	9/7/03
5100	3/30/98	L. A. Lewis	31.04	2.50	77.60	3512	9/7/03
5101	3/30/98	L. A. Lewis	31.43	2.50	78.57	3512	9/7/03
5102	3/30/98	L. A. Lewis	40.00	2.50	100.00	2508	4/11/98
5103	3/30/98	L. A. Lewis	40.00	2.50	100.00	3512	9/7/03
5104	3/30/98	L. A. Lewis	40.00	2.50	100.00	3512	9/7/03
5105	3/30/98	L. A. Lewis	40.00	2.50	100.00	3512	9/7/03

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
					Grantee: L. A. Lewis.		
5106	3/30/98	L. A. Lewis	40.00	2.50	100.00	3512	9/7/03
5107	3/30/98	L. A. Lewis	40.00	2.50	100.00	3512	9/7/03
5108	3/30/98	L. A. Lewis	40.00	2.50	100.00	3512	9/7/03
5109	3/30/98	L. A. Lewis	40.00	2.50	100.00	3512	9/7/03
5110	3/30/98	L. A. Lewis	40.00	2.50	100.00	3512	9/7/03
5111	3/30/98	L. A. Lewis	40.00	2.50	100.00	3512	9/7/03
5112	3/30/98	L. A. Lewis	40.00	2.50	100.00	3512	9/7/03
5113	3/30/98	L. A. Lewis	40.00	2.50	100.00	3512	9/7/03
5114	3/30/98	L. A. Lewis	40.00	2.50	100.00	3512	9/7/03
5115	3/30/98	L. A. Lewis	40.00	2.50	100.00	3512	9/7/03

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
					Grantee: L. A. Lewis.		
5116	3/30/98	L. A. Lewis	40.00	2.50	100.00	3512	9/7/03
5117	3/30/98	L. A. Lewis	40.00	2.50	100.00	3512	9/7/03
5118	3/30/98	L. A. Lewis	40.00	2.50	100.00	3512	9/7/03
		O. & C. Land Dept. records show a correction deed No. 3512A dated Jany. 4, '04, covering deed No. 3512. Bill shows such correction deed as being dated Jany. 26, '04, and does not show the original deed No. 3512.					

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Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
					Grantee: L. A. Lewis.		
5207	9/18/98	L. A. Lewis	40.00	2.50	100.00	2685	8/21/99
5208	9/18/98	L. A. Lewis	40.00	2.50	100.00	2686	8/21/99
5209	9/18/98	L. A. Lewis	40.00	2.50	100.00	2687	8/21/99
5210	9/18/98	L. A. Lewis	40.00	2.50	100.00	2688	8/21/99
5815	8/9/00	L. A. Lewis	80.00	2.37	190.00	2913	9/3/00
5962	12/29/00	L. A. Lewis	320.00	2.37	760.00	2990	2/18/01
6204	7/9/01	L. A. Lewis Bill of Complaint shows deed 3107A and also	123.77	2.50	293.95	3107A	12/26/01

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
		shows another deed for same land dated July 29, '01.					
		Total in Suit	2674.02		6,610.82		
Suit No. 3426,		*Olean Land Co. & Wilson River Lumber Co., Additional Defendants.*					
					Grantee: Olean Land Co. of Minn.		
6221	7/30/01	Olean Land Co.	2431.55	8.00	19,452.40	3121	9/28/01
6266	9/16/01	Olean Land Co.	423.61	2.50	1,059.00	3135	9/28/01
6267	9/16/01	Olean Land Co.	156.57	8.00)	500.00	207E)	2/20/08
		R. R. Co. Patent canceled.	104.06	4.80)		) Quit Claim [Deed.	

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
		The consideration originally named in Contract No. 6267 was $2085.04 but because of the cancellation of patent for part of the land the R. R. Co. accepted $500.00 as full purchase price and gave quit claim deed for all of the land. Bill shows date of deed 207E as April 20, 1908.					
		Total in suit	3115.79		21,011.40		
Suit No. 3427, Lewis Gerlinger, Christian Burkhardt, George W. Cone, Siletz Timber Co., Charles K. Spaulding Logging Co. and East Side Mill and Timber Co., Additional Defendants.							
					Grantee: L. Gerlinger.		
3663	11/20/90	L. I. Frink Violation in price only	80.00	4.50	360.00	3455	6/8/03

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
					Grantee: L. Gerlinger.		
6019	2/19/01	L. Gerlinger Violation in price only	120.00	5.50	660.00	3014	4/8/01
6020	2/-/01	L. Gerlinger Unmortgaged	80.00	5.50	440.00	111NT	4/8/01
6198	6/29/01	H. Hirschberg	440.56	2.50	1,101.40)		
			6321.80	6.50	41,091.70)	11E	8/24/06
		Total in suit	7042.36		43,653.10		
Suit No. 8428,		*Charles K. Spaulding Logging Co., Additional Defendant.*					
					Grantee: The Chas. K. Spalding Logging Co.		
5614	2/23/00	Chas. K. Spaulding Logging Co.	4848.88	5.50	26,668.84	208E	2/25/08
		Total in suit	4848.88		26,668.84		

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Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
Suit No. 3429,		*J. L. Washburn, Additional Defendant.*			Grantee: J. L. Washburn.		
6142	5/18/01	A. M. Stearns Same Land (all 29-31S-5W) is involved in Suit No. 3438 wherein A. M. Stearns is Defendant.	640.00	3.00	1,920.00	271E	9/14/08
6192	6/25/01	A. M. Stearns Bill shows deed dated June 25, '08.	802.92	3.00	2,408.76	271E	9/14/08
		Total in suit	1442.92		4,328.76		
Suit No. 3430,		*Jacob Rahm, Additional Defendant.*					

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
						Grantee: Jacob Rahm.	
5804	7/13/00	Jacob Rahm	640.00	6.00	3,840.00	262E	7/24/08
5805	7/13/00	Jacob Rahm	640.00	6.00	3,840.00	262E	7/24/08
5806	7/30/00	Jacob Rahm	640.00	7.00	4,480.00	262E	7/24/08
5864	10/6/00	Jacob Rahm Bill shows deed dated Sept. 21, '08.	640.00	7.50	4,800.00	262E	7/24/08
		Total in suit	2560.00		16,960.00		

Suit No. 3431, Chas. A. Smith, C. A. Smith Timber Co., Central Trust Co. of Illinois and A. Wilcub, Additional Defendants.

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Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
					Grantee: Charles A. Smith.		
5844	9/12/00	Charles A. Smith	12006.20	5.00	60,031.00	3145	10/21/01
			2993.80	5.00	14,969.00	75E	2/16/07
			5491.62	4.00	21,966.48	75E	2/16/07
		Not in Bill—not deeded	7086.50	4.00	28,346.00		
		Total in suit	20491.62		96,966.48		
Suit No. 3432,		Charles H. Chick, Constantine Marton and Everett P. Lewis, Additional Defendants.					
					Grantee: Charles H. Chick.		
6187	6/1/01	Charles A. Chick	400.00	5.00	2,000.00	3474	7/6/03
			40.00	2.50	100.00	3474	7/6/03
			2720.00	7.00	19,040.00	3474	7/6/03
		Total in suit	3160.00		21,140.00		

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Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
Suit No. 3433,		*Fred A. Kribs and Pillsbury Lumber Co., Additional Defendants.* Grantee: Fred A. Kribbs.					
5221	10/24/98	W. R. Murray & F. W. Coffee Violation in price only	40.00	4.00	160.00	3582	2/8/04
5980	1/14/01	Alfred E. Berry No violation	40.00	2.50	100.00	3395	2/2/03
6158	/01	Fred A. Kribbs	1040.00	4.50	4,680.00	3079	6/10/01
6264	9/13/01	Donald McRae Under 1000 acres.	596.96	4.25	2,537.08	3398	2/2/03
6372	1/11/02	Donald McRae and Ellis Jennings	1277.50	5.00	6,387.50	3396	2/2/03

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Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
6441	3/24/02	Ellis Jennings and Donald McRae	365.50	6.00	2,193.00	3397	2/2/03
6615	7/29/02	Fred A. Kribs	120.00	4.25	510.00	3293	8/11/02
		Total in suit	3479.96		16,567.58		
Suit No. 3434,		*John F. Kelly and George H. Kelly, Additional Defendants.*					
					Grantees: George H. & J. F. Kelly.		
3644	11/1/90	G. H. & J. F. Kelly Bill shows date of deed 2285 Feb. 4, '95.	240.00	4.25	1,020.00	2285	
					Grantees: J. F. Kelly and Geo. H. Kelly.		
4138	5/17/92	J. F. & Geo. H. Kelly	802.00	3.50	2,807.00	3241	5/1/02
		Total in suit	1042.00		3,827.00		

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
Suit No. 3435,		Willis H. Gilbert (individually and as Trustee) West Coast Timber Co. and Peninsula Lumber Co., Additional Defendants. Grantee: Willis H. Gilbert, Trustee.					
5307	2/4/99	Central Lumber Co.	8080.21	6.00	48,181.00	3563	1/4/04
6263	9/12/01	M. B. Rankin Bill shows date of deed 3564 as Jany. 4, '04, which is probably correct.	5866.60	10.00	58,666.00	3564	1/4/03
6643	9/5/02	Willis H. Gilbert Under 1000 acres	320.00	12.00	3,650.00	3315	10/6/02
		Total in suit	14216.81		110,497.00		

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Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
Suit No. 3436,		Stewart B. Eakin (individually and as Trustee) Booth-Kelly Lumber Co. and Orin Robinson, Additional Defendants.					
					Grantee: S. B. Eakin.		
5344	4/17/99	B. S. Kelsay Violation in price only.	43.04	3.75	161.40	100E	4/3/07
6438	3/20/02	G. O. Walker Under 1000 acres.	480.00	5.00	2,400.00	100E	4/3/07
					Grantee: S. B. Eakin, Trustee.		
6563	6/20/02	J. E. Young	720.00	2.50	1,800.00)		
			880.00	7.00	6,200.00)	135B	1/8/06
6591	7/8/02	Orrin Robinson Bill shows deed 135B	340.75	7.97	2,716.37	135B	1/8/06

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
		dated Sept. 5, '06.					
		Total in suit	2463.79		13,277.77		
Suit No. 3437,		Big Bend Milling Co., W. L. Harkness, Butte Falls Sugar Pine Lumber Co. and Edward Woodbury, Additional Defendants.					
					Grantee: Big Bend Milling Co.		
5573	1/22/00	Chas. H. Pierce	640.00	6.50)		10B	12/1/04
			3360.00	6.50)	26,000.00	142B	2/9/06
5756	5/31/00	Big Bend Milling Co.	2561.89	3.90	10,090.40	142B	2/9/06
5797	7/27/00	Big Bend Milling Co.	804.97	2.75	2,213.66	141B	2/9/06
		Total in suit	7366.86		38,304.06		

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Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
Suit No. 3438,		*A. M. Stearns, Addiitonal Defendant.* Grantee: J. L. Washburn.					
6142	518/01	A. M. Stearns	640.00	3.00	1,920.00	271E	9/14/08
6192	6/25/01	A. M. Stearns Involves same land as that in Suit No. 3429 supra.	802.92	3.00	2,408.76	271E	9/14/08
		Total in Suit	.....		.....		
Suit No. 3439,		*Curtiss Lumber Co., Additional Defendant.* Grantee: The Curtis Lumber Co.					
2395		The Curtiss Lumber Co. No violation except "actual settler" (?)	80.00	2.50	200.00	153NT	8/11/02

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
					Grantee: Curtis Lumber Co.		
5688	3/1/00	The Curtis Lumber Co.	3762.68	5.00	18,818.40	117E	5/1/07
					Grantee: The Curtiss Lumber Co.		
6360	1/3/02	The Curtiss Lumber Co.	1050.96	9.75	10,250.00	3342	11/3/02
		Total in suit	4893.64		29,268.40		
Suit No. 3440. Pokegama Sugar Pine Lumber Co. and Weyerhauser Land Co., Additional Defendants.							
					Grantee: Pokegama Sugar Pine Lumber Co.		
4948	4/19/97	Pokegama Sugar Pine Lumber Co.	640.00	6.50	4,160.00	2464	11/ 8/97
	9/ 3/97		320.00	6.50	2,080.00	2477	12/20/97
5421	7/ 1/99		320.00	6.50	2,080.00	2763	11/27/99

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Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
			Grantee: Pokegama Sugar Pine Lumber Co.				
			480.00	6.50	3,120.00	2861	5/28/00
			640.00	6.50	4,160.00	2972	12/17/00
			640.00	6.50	4,160.00	3176	12/ 2/01
			160.00	6.50	1,040.00	3528	10/ 5/03
			10022.95	6.50	65,149.17	23E	9/14/06
		Total in suits	13222.95		85,949.17		
Suit No. 3441.		*Edwin Fowler, Additional Defendant.*					
					Grantee: Edwin Fowler.		
5874	10/13/00	W. R. Stansell	1279.42	2.50	3,198.55	73B	6/27/05

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
					Grantee: Edwin Fowler.		
6128	5/10/01	Rogue River Mining Lumber Co.	720.00	2.50	1,800.00	73B	6/27/05
		Total in Suit	1999.42		4,998.55		
Suit No. 3442.		Justin Wentworth, George K. Wentworth, William L. Roach and Roach Timber Co., Additional Defendants.					
					Grantee: Justin and Geo. K. Wentworth.		
5775	6/ 1/00	Justin and Geo K. Wentworth.	9850.33	7.50	73,877.48	2896	6/25/00
			2157.60	7.50	16,182.00	3198	2/3/02
			160.00	7.50	1,200.00	85NT	6/25/00
			80.00	7.50	600.00	141NT	2/ 3/02

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
		Grantee: Justin Wentworth and George K. Wentworth.					
			1762.44	7.50	13,218.30	109E	4/17/07
6454	3/31/02	A. W. Lambert	20911.48		188,203.32	31E	11/22/06
	Total in Suit		34921.85		293,281.10		
Suit No. 3448. Clifford Coggins, L. Y. Coggins, Mary E. Coggins and Leon Coggins, Additional Defendants.							
5454	9/28/99	C. S. Coggins, C. Coggins and L. Y. Coggins	2727.36	2.80	7,636.60	225E	4/17/08
		Grantee: Clifford Coggins, L. Y. Coggins, Mary E. Coggins and Leon Coggins					

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
5875	10/13/00	C. S., L. Y. and Clifford Coggins	3245.90	2.80	9,088.52	225E	4/17/08
	Total in Suit		5973.26		16,725.12		

Suit No. 3444, Charles G. Forester and Forester Lumber Co., Additional Defendants.

Grantee: Charles G. Forester.

5750	5/28/00	Wade H. Richardson	642.88	6.25	4,018.00	3100	7/29/01
		Bill shows 642.08 acres.					
5751	5/28/00	Wade H. Richardson	833.79	6.25	5,211.19	3101	7/29/01
	Total in Suit		1476.67		9,229.19		

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
Suit No. 3445, Albert C. Hopkins, Additional Defendant.							
				Grantee: A. C. Hopkins.			
4029	12/ 7/91	Chas. H. and J. G. Pierce	810.00	7.50	6,300.00	2483	12/20/97
			880.00	7.50	6,600.00	2584	12/12/98
			7888.21	6.27	49,500.00	2765	12/26/99
			402.12	6.46	2,600.00	84B	7/19/05
4179	6/24/92	do		Grantee: A. C. Hopkins.			
			401.58	6.22	2,500.00	2586	12/12/98
		Bill shows consideration in Deed 84B as	2427.42	4.82	11,700.00	2666	7/ 5/99

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
				Grantee: A. C. Hopkins.			
		$3067.15	2222.41	4.97	11.057.05	3423	4/ 6/08
		O. & C. Records show 3018.00 Discrepancy 49.15	80.00	5.22	418.00	84B	7/19/05
4182	6/27/92	Chas. H. & J. G. Pierce	40.00	6.50	260.00	2585	12/12/98
5218	9/29/98	do	640.00	6.50	4,160.00	2554	10/ 3/98
5489	10/23/99	do	40.00	9.56	382.64	2737	11/27/99
		Total in Suit	15861.74		95,477.69		

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
Suit No. 3446, C. T. La Tourneau, Additional Defendant.							
					In default since 1902.		
6280	10/ 4/01	C. T. La Tourneau	320.00	3.00	960.00		
6600	7/14/02	C. T. Tourneau	1120.00	5.00	5,600.00	270E	9/14/08
					Grantee: Jed L. Washburn.		
		Suit 3429— J. L. Washburn does not include Contract 6600.					
		Total in Suit	1440.00		6,560.00		

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
Suit No. 3447, T. D. Collins and Everell S. Collins, Additional Defendants.							
5928	11/30/00	Truman D.	11554.25	2.50)	188,123.43		
		Everell S. Collins.	17693.09	9.00)			
			Contract paid in full 1/30/11 Deed not yet issued.				
		Bill of Complaint includes S½ 33-6S-4E 320.00 which is patented unsold land of O. & C. R. R. Co.	No report as to value				
					Contract not surrendered		
		Total in Suit	29,567.34		188.123.43		

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
Suit No. 3448, D. N. Snyder, Additional Defendant.							
6064	3/23/01	D. N. Snyder	1252.42	3.25	4,070.36		
		In default since 1902					
		Total in Suit	1252.42		4,070.36		
Suit No. 3449, Andrew B. Hammond, Charles J. Winton and Winton Timber Co., Additional Defendants							
6242	8/16/01	A. B. Hammond and C. J. Winton	45,927.48	7.00	321,807.00	448E	1/12/11
		Grantee: A. B. Hammond & Charles J. Winton					

Suits Nos. 3450 and 3451—Land Dept. has no Bills of Complaint.

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
Suit No. 8452, Waldo A. Avery, E. Richardson Co, Charles G. Briggs (individually and as Administrator with the will annexed of the Estate of Charles H. Green Deceased) Jessie A. Green, Dorothy Green, Allen Green, Donald Green, Fred H. Green, Mary Green and Alice G. Lewis, Additional Defendants.							
6345	11/15/01	John W. Cook, P. J. and R. J. Jennings Bill shows deed 228E as dated June 8/08 and consideration as being $22611.11	15730.44	11.50	158,277.49	180E	10/28/07
					22,611.07	228E	4/18/08
Grantee: Waldo A. Every and The E. Richardson Co. (7/8 interest) C. G. Brigg, Ad-							

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
		ministrator with the will annexed of the Estate of Charles H. Green deceased (1/8 interest)					
		Total in Suit	15730.44		180,888.56		
Suit No. 8453 Bray & Choate Land Co and Oshkosh Land & Timber Co., Additional Defendants.							
5487	10/25/99	Bray, Choate Land Co.	3492.32	7.50	26,192.40	2785	11/27/99
5488	10/25/99	Bray Choate, Land Co.	1324.08	7.50	9,930.60	2786	11/27/99
					Grantee: The Bray & Choate Land Co.		
		Total in suit	4816.40		36,123.00		

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
Suit No. 3454.		Peter Nelson, Hartley McGuire, William H. White, Godfrey Von Platten, Additional Defendants.					
6550	6/16/02	Peter Nelson, Washington I. Milliken and Hartley McGuire	1925.83	10.00	19,258.30	124-E	5/9/07
			Grantees: Peter Nelson and Hartley McGuire.				
	Total in suit		1925.83		19,258.30		

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
Suit No. 3455.		Gilbert Gilbertson Glendale Lumber Co. and Viola Nail					
3711	1/14/91	G. Gilbertson	80.00	5.50	440.00 In default since 1894.		
		Violation in price only					
3720	1/21/91	G. Gilbertson	40.00	5.50	220.00 In default since 1894.		
		Violation in price only					

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
4587	2/4/95	Gilbert Gilbertson	40.00	3.00	120.00		
					In default since 1896.		
		Violation in price only					
4675	8/22/95	G. Gilbertson	40.00	2.50	100.00		
					In default since 1896.		
5466	10/7/99	G. Gilbertson	40.00	2.50	100.00	3074	6/10/01
6480	3/11/02	G. Gilbertson	80.00	3.00	240.00	131B	12/22/05
					Grantee: G. Gilbertson		
6529	5/23/02	G. Gilbertson	684.64	3.00	2,054.22	515E	8/21/12
					Grantee: Roe G. Chace & Geo. H. Putnam		

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
6570	6/23/02	G. Gilbertson	320.00	3.50	1,120.00		
					In default since 1905		
6660	9/26/02	G. Gilbertson	40.00	5.00	200.00	3364	12/1/02
					Grantee: Gilbert Gilbertson		
	Total in suit		1364.64		4,594.22		
Suit No. 3456		Gardiner Mill Co. & Mary Larson Additional Defendants,					
663		Thomas Harris No violation	80.00	2.50	Grantee: Gardiner Mill Co. 200.00	1160	2/28/91

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
					Grantee: Gardiner Mill Co.		
669		Lea C. Smith No violation	160.00	2.12	340.00	1157	2/28/91
670	12/18/77	Mary Reed No violation	80.00	2.50	200.00	448	7/28/85
671		—Koepke and —Tyoritz No violation	280.00	1.75	490.00	903	3/5/86
690		Alfred W. Reed No violation	80.00	2.50	200.00	1158	2/28/91
808		Wm. S. Reed No violation	40.00	2.50	100.00	1161	2/28/91

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
				Grantee: Gardiner Mill Co.			
988		John W. Wroe No violation	80.45	2.50	201.12	1322	2/28/91
1151		—Reed and— Emerson No violation Deed No. 1323 appears twice in Bill ExK10 and K17	40.00	2.50	100.00	1323	2/28/91
1390B	7/7/81	—Pyritz— Koepke No violation	120.00	1.12	135.00	447	7/28/85

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
1405A	8/4/81	—Reed &—		Grantee: Gardiner Mill Co.			
		Emerson No violation	120.00	1.92	230.00	452	7/28/85
2328		C. Hacker includes SW ¼ of SE ¼ Sec 8 Twp 21 S Rge 9 W. Unpatented Lost No violation	160.00	2.50	400.00	1874	6/20/92
2377		John Johnson Violation in price only	80.00	3.00	240.00	1869	6/20/92

Con-tract No.	Date.	Purchaser	Acres.	Price per Acre.	Consider-ation.	—Deed— No.	Date.
			Grantee: Gardiner Mill Co.				
2630		John Johnson Violation in price only	80.00	3.00	240.00	1870	6/20/92
4569	12/3/94	Wm. A. Wroe Violation in price only	40.00	3.25	130.00	3264	6/3/02
4673	8/19/95	Wm. A. Wroe Violation in price only	80.00	2.75	220.00	3265	6/3/02
4674	8/19/95	Wm. A. Wroe Violation as to 40 acres *only*	80.00	2.50	200.00	3266	6/3/02

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
					Grantee: Gardiner Mill Co.		
5658	3/19/00	Gardiner Mill Co. Bill shows $3,052.58 as consideration in Deed 2849	803.31	4.00	3,213.24	2849	4/23/00
5683	4/5/00	Gardiner Mill Co.	120.00	2.25	270.00	2850	4/13/00
	Total in suit		2523.76		7109.36		
Suit No. 3457		Star Mill & Flume Co., E. S. Crossett, H. E. Crossett, and E. C. Crossett Additional Defendants					

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
6401	2/7/02	Star Mill & Flume Co.	439.31	5.50	2,416.20		
			1281.08	15.00	19,216.20	150B	3/1/06
					Grantee: Star Mill & Flume Co.		
	Total in suit		1720.39		21,632.40		
Suit No. 3458		John A. Black, Additional Defendant					
6117	5/6/01	Edgar I. Hewes and Daniel H. Bement	2360.00	2.50	5900.00		
					Paid in full 5/9/11 awaiting probate proceedings		
	Total in suit		2360.00		5900.00		

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
Suit No. 3459		Charles R. Ray, Condor Water & Power Co. Gold Ray Realty Co. and Frank H. Ray, Additional Defendants.					
					Grantee: Chas. R. Ray		
4118	4/26/92	C. P. Look Violation in in price only	21.16	3.54	75.00	3250	5/1/02
5129	4/18/98	Wm. H. Holmes No violation	40.00	2.50	100.00	3221	4/7/02
5800	1/21/99	A. J. Daley No violation	43.74	2.50	109.35	3220	4/7/02

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
				Grantee: Chas. R. Ray			
5457	6/2/99	C. R. Ray No violation	36.77	2.50	91.92	2723	10/9/99
5461	10/6/99	Chas. R. Ray No violation	40.00	2.50	100.00	2727	10/9/99
5604	2/16/00	Chas. R. Ray	64.62	2.50	161.55	2810A	5/28/00
5620	2/27/00	Charles R. Ray	240.00	2.50	600.00	2819	3/19/00
5643	3/10/00	Charles R. Ray Bill shows consideration Deed 2831 to be $220.00	88.32	2.50	220.80	2831	3/19/00
5644	3/12/00	Charles R. Ray	80.00	2.50	200.00	2832	3/19/00
5650	3/3/00	Charles R. Ray	80.00	2.50	200.00	2827	3/19/00

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
					Grantee: Chas. R. Ray		
5676	4/4/00	Charles R. Ray	120.00	2.50	300.00	2848	4/23/00
5707	4/28/00	Charles R. Ray	19.83	2.50	49.58	2863	5/28/00
6110	4/29/01	Charles R. Ray	80.00	2.50	200.00	3053	6/10/01
6300	10/25/01	Charles R. Ray	23.46	2.50	58.65	3158	12/2/01
6560	6/18/02	Charles R. Ray	121.75	9.85	1200.00	3274	7/7/02
6608	7/22/02	Charles R. Ray	120.00	10.00	1200.00	3693	10/3/04
	Total in suit		1219.65		4866.85		

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
Suit No. 3460		Pacific Timber Co., Leona Mills Lumber Co. and Brown Lumber Co., Additional Defendants					
				Grantee: Pacific Timber Co.			
5281	12/22/98	John Thornthwaite Violation in price only	40.00	3.00	120.00	3487	7/6/03
5524	11/27/99	J. B. Rouse Violation in price only	81.09	3.25	263.55	71B	6/5/05
5888	10/19/00	—Campbell & —Alexander Under 1000 acres	320.00	5.00	1600.00	71B	6/5/05

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
			Grantee: Pacific Timber Co.				
5942	12/10/00	Frank Marketta Violation in Price only	40.00	3.50	140.00	3103	7/29/01
6051	3/14/01	Rouse Geer Lumber Co. Violation in price and perhaps "actual settler." Bill shows NE¼ of NE¼ 11-23S. 3W.	40.00	3.00	120.00	71B	6/5/05

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
				Grantee: Pacific Timber Co.			
		should read NE¼ of SE¼ of 11-23S-3W.					
6052	3/14/01	Rouse Geer Lumber Co. Violation in price and perhaps "Actual Settler"	40.00	3.50	140.00	71B	6/5/05
6132	5/13/01	Pacific Timber Co. Violation in price and	40.00	3.50	140.00	3104	7/29/01

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
		perhaps "Actual Settler"		Grantee: Pacific Timber Co.			
6191	6/14/01	Pacific Timber Co. Violation in price and perhaps "Actual Settler"	80.00	4.75	380.00	3676	7/6/04
6206	7/12/01	Pacific Timber Co. Accumulated violation under 1000 acres	120.00	4.00	480.00	3811	9/8/02

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
				Grantee: Pacific Timber Co.			
6227	8/3/01	Pacific Timber Co. Accumulated violation under 1000 acres.	480.00	4.00	1,920.00	71B	6/5/05
6258	8/29/01	J. B. Rouse & Levi Geer Violation in price only	80.00	3.00	240.00	98B	9/8/05
6286	10/14/01	Pacific Timber Co. Accumulated violation under 1000 acres.	40.00	3.50	140.00	71B	6/5/05

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
					Grantee: Pacific Timber Co.		
6306	11/7/01	Pacific Timber Co. Accumulated violation under 1000 acres.	40.00	4.50	180.00	3416	4/6/03
6385	1/22/02	Pacific Timber Co. Accumulated violation under 1000 acres	40.00	7.00	280.00	3590	2/8/04
		Total in suit	1481.09		6,148.55		

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
Suits Nos. 3461 and 3462 Land Dept. has no Bills of Complaint							
Suit No. 3463		Drew Timber Co., Additional Defendant.		Grantee: Frances V. Canfield			
6427	3/7/02	Clarence Thomson Violation in price only	40.00	5.00	200.00	3392	2/2/03
6484	4/18/02	Theron C. Thomson Violation in price only	40.00	5.00	200.00	3393	2/2/03
6492	4/23/02	Theron C. Thomson Violation in price only	78.80	3.50	275.80	3394	2/2/03

Contract No.	Date.	Purchaser	Acres.	Price per Acre.	Consideration.	—Deed— No.	Date.
6501	4/30/02	Frances V. Canfield	5338.37	13.00	69,398.00	3251	5/1/02
					Grantee: Frances V. Canfield		
	Total in suit		5497.17		70,073.80		
Suit No. 8464		No Additional Defendants.			Grantee: Southern Pacific Co.		
2E	10/9/06	Southern Pacific Co.	840.00	55.50	46,622.00	24E	10/9/06
4E	1/3/07	Southern Pacific Co. Bill shows deed to be dated Jany. 3, '07	1280.00	40.00	51,170.50	37E	1/3/07

Con-tract No.	Date.	Purchaser	Acres.	Price per Acre.	Consider-ation.	—Deed— No.	—Deed— Date.
					Grantee: Southern Pacific Co.		
1U	3/26/07	Southern Pacific Co. Bill shows deed to be dated Mch. 26, 07 and recorded May 25, 07	80.00	40.87	3,270.00	29U	4/17/08
5E	4/23/07	Southern Pacific Co.	240.00	11.91	2,860.00	111E	4/23/07
6E	5/1/07	Southern Pacific Co.	4023.72	35.83	144,204.86	116E	5/1/07
	Total in suit		6463.72		248,126.86		
TOTAL OF ALL SUITS			881395.77		2,851,092.33		

DEFENDANTS' EXHIBIT 295

is a large map purporting to show in colors the location of lands involved in so-called "Innocent Purchaser" suits, giving the number of each suit and acreage involved, as follows:

SUIT NO.	*ACRES*	*SUIT NO.*	*ACRES*
3416	1040.00	3439	4893.64
3417	4118.14	3440	13222.95
3418	9759.64	3441	1999.42
3419	3733.36	3442	34921.85
3420	2020.73	3443	5973.26
3421	1880.62	3444	1476.67
3422	1160.00	3445	15861.74
3423	14533.74	3446	1440.00
3424	67559.72	3447	29567.84
3425	2674.02	3448	1252.42
3426	3115.79	3449	45972.43
3427	7042.36		
3428	4848.88	3452	15730.44
3429	1442.92	3453	4816.40
3430	2560.00	3454	1925.83
3431	20491.62	3455	1364.64
3432	3160.00	3456	2523.76
3433	3479.96	3457	1720.39
3434	1042.00	3458	2360.00
3435	14216.81	3459	1219.65
3436	2463.79	3460	1481.09
3437	7366.86	3463	5497.17
3438	1442.92	3464	6463.72

This map is not printed, but certified up under order of court and stipulation of parties.

DEFENDANTS' EXHIBIT 296

purports to be a statement of executory contracts of the Oregon & California Railroad Company covering land sales, which were outstanding January 1, 1908, giving contract number, date, name of contract holder, description of land, acreage, price per acre, consideration amount unpaid when default occurred, date of default, payments made after default occurred, when and what amount, date of closing account in consequence of default, date of final payment or deed, character of land as shown by Field Agent's report, name of Field Agent and date of examination; and shows the totals of contracts thus outstanding to be 2110, with total acreage of 462,614.59 acres, consideration $2,746,216.35, amount unpaid when default occurred $207,614.14, and $9,530.19 paid after default occurred.

This statement consists of 70 large sheets and is not printed, but certified up under order of court and stipulation of parties.

DEFENDANTS' EXHIBIT 297

purports to be a statement of sales made by the Oregon and California Railroad Company during the year 1908, giving contract number and date, name of contract holder, description of land, number of acres, price

per acre, consideration, date of final payment or deed, character of land, name of Field Agent, and covers 16 contracts.

This exhibit is not printed, but is certified up under order of court and stipulation of parties.

DEFENDANTS' EXHIBIT 298

purports to be a statement of contracts paid in full during 1903 which were not in default January 1, 1903, showing contract number, acreage, price per acre and consideration, and shows 212 contracts covering 22,878.52 acres, consideration $98,500.14.

This exhibit is not printed, but certified up under order of court and stipulation of parties.

DEFENDANTS' EXHIBIT 299

purports to be a statement of defaulted contracts upon which accounts were closed during 1903, showing number of contracts, acreage, price per acre, consideration, amount unpaid when default occurred, date default occurred, date of closing account in consequence of default; also, contracts not in default January 1, 1903, upon which default occurred during 1903, but accounts not closed during 1903; also, contracts outstanding January 1, 1904. There were nine contracts which were defaulted upon which accounts were closed during 1903, involving 1855.78 acres, consideration $4789.44, amount unpaid when default occurred, $4844.56. There were

45 contracts not in default January 1, 1903, upon which default occurred during 1903, but accounts not closed during 1903, involving 4301.50 acres, consideration $15,644.48, and amount unpaid when default occurred, $13,813.17, payments made after default occurred, $6,645.78. This exhibit is not printed in full but is certified up under order of court and stipulation of parties.

The last sheet of this exhibit is as follows:

CONTRACTS OUTSTANDING JANUARY 1, 1904

	Number of Contracts	Acres	Consideration
Total contracts outstanding January 1, 1903	2,110	462,614.59	2,746,216.35
Sales made during 1903	16	2,077.55	6,238.37
Total	2,126	464,692.14	2,752,454.72
Contracts paid in full during 1903, which were not in default	210	22,878.52	98,500.14
Contracts paid in full during 1903 which were in default	...	.....	.....

	Number of Contracts	Acres	Consideration
Contracts for which accounts were closed during 1903 because of default	9	1,355.78	4,789.44
Total of contracts terminated during 1903..	219	24,234.30	103,289.58
Balance contracts outstanding January 1, 1904	1,907	440,457.84	2,649,165.14

DEFENDANTS' EXHIBIT 300

purports to be a statement of contracts paid in full during 1904, which were not in default January 1, 1903, and covers 203 contracts, with total acreage of 73,081.84 acres, with consideration of $412,707.87; also contracts not in default January 1, 1904, upon which default occurred during 1904, there being 54 contracts, with total acreage of 7,498.28 acres, with consideration of $33,975.19, showing amount unpaid when default occurred of $28,548.07, and payments made after default occurred amounting to $19,601.16; also

defaulted contracts upon which accounts were closed during 1904, there being 338 contracts covering 25,866.08 acres, with consideration stated $104,733.31, and amount unpaid when default occurred $71,725.64.

This exhibit is not printed in full but is certified up under order of court and stipulation of parties.

The last sheet of this exhibit is as follows:

CONTRACTS OUTSTANDING JANUARY 1, 1905.

	Number of Contracts	Acres	Consideration
Total contracts outstanding January 1, 1904	1,907	440,457.84	2,649,165.14
Sales made during 1904	...	.....	.....
Total	1,907	440,457.84	2,649,165.14
Contracts paid in full during 1904, which were not in default January 1, 1903	121	73,081.84	412,707.87
Contracts paid in full during 1904, which were in default January 1, 1903	...	.....	.....
Contracts for which accounts were closed during 1904 because of default	338	25,366.08	104,733.31

	Number of Contracts	Acres	Consideration
Total of contracts terminated during 1904..	459	98,447.92	517,441.18
Balance contracts outstanding January 1, 1905	1,448	342,009.92	2,131,723.96

Filed May 10, 1913.

A. M. CANNON,
Clerk U. S. District Court.

DEFENDANTS' EXHIBIT 301

purports to be a statement of contracts paid in full during 1905 which were not in default January 1, 1903, and covers 141 contracts, with total acreage of 19,582.01 acres, with consideration of $75,765.01; also defaulted contracts upon which accounts were closed during 1905, there being 26 contracts, covering 1977.98 acres, with consideration stated $10,161.85, and amount unpaid when default occurred—$8,910.37; also contracts not in default January 1, 1905, upon which default occurred during 1905, but accounts not closed during 1905, there being 22 contracts involving 2,169.64 acres, consideration $13,728.92, amount unpaid when default occurred $12,478.96, and payments made after default occurred $1,149.40. This exhibit is not printed in full but is certified up under order of court and stipulation of parties.

The last sheet of this exhibit is as follows:

CONTRACTS OUTSTANDING JANUARY 1, 1906

	Number of Contracts	Acres	Consideration
Total contracts outstanding January 1, 1905...	1,448	342,009.92	2,131,723.96
Sales made during 1905	.....	.....	.....
Total	1,448	342,009.92	2,131,723.96
Contracts paid in full during 1905 which were not in default..	139	19,582.01	75,765.01
Contracts paid in full in 1905 which were in default	.....	.....	.....
Contracts for which accounts were closed during 1905 because of default	26	1,977.98	10,161.85
Total of contracts terminated during 1905	165	21,559.99	85,926.86

	Number of Contracts	Acres	Consideration
Balance contracts outstanding January 1, 1906	1,283	320,449.93	2,045,797.10

Filed May 10, 1913.

A. M. CANNON,
Clerk U. S. District Court.

DEFENDANT'S EXHIBIT 302

Puroports to be a statement of contracts paid in full during 1906 which were not in default January 1, 1903, and covers 73 contracts, with total acreage of 51,065.49 acres, consideration of $370,797.30; also contracts paid in full during 1906 which were in default January 1, 1903, covering 10 contracts, 520 acres, consideration of $1,760.00, and payments made after default occurred of $1,502.87; also defaulted contracts upon which accounts were closed during 1906, covering 4 contracts, 1,784.16 acres, consideration of $18,222.70, and amount unpaid when default occurred $10,091.00; also contracts not in default January 1, 1906, upon which default occurred during 1906, but accounts not closed during 1906, covering 96 contracts, total acreage of 7,908.38 acres, consideration of $27,426.43, amount unpaid when default occurred $16,524.16, payments made after default occurred $14,431.61. This exhibit is not printed in full but is certified up under order of court and stipulation of parties.

The last sheet of this exhibit is as follows:

CONTRACTS OUTSTANDING JANUARY 1, 1907

	Number of Contracts	Acres	Consideration
Contracts outstanding January 1, 1906	1,283	320,449.93	2,045,797.10
Sales made during 1906	.....	.....	.....
Total	1,283	320,449.93	2,045,797.10
	.....	.....	.....
Contracts paid in full in 1906 which were not in default	71	51,065.49	370,797.30
Contracts paid in full during 1906 which were in default	10	520.00	1,760.00
Contracts for which accounts were closed during 1906 because of default	2	1,784.16	18,222.70
	.....	.....	.....
Total of contracts terminated during 1906	83	53,369.65	390,780.00

	Number of Contracts	Acres	Consideration
Balance contracts outstanding January 1, 1907	1,200	267,080.28	1,655,017.10

Filed May 10, 1913.

A. M. CANNON,
Clerk U. S. District Court.

DEFENDANTS' EXHIBIT 303

Purports to be a statement of contracts paid in full during 1907 which were not in default January 1, 1908, covering 163 contracts, total acreage of 63,381.42 acres, with consideration of $459,292.87; also contracts paid in full during 1907 which were in default January 1, 1908, covering 15 contracts, with total acreage of 1,088.69 acres, consideration $3,745.32, amount of payments made after default occurred $2,867.61; also defaulted contracts upon which accounts were closed during 1907, there being 32 contracts, involving 1,591.70 acres, consideration of $7,860.95, and amount unpaid when default occurred $6,313.85; also contracts not in default January 1, 1907, upon which default occurred during 1907 but accounts not closed during 1907, there being 11 contracts, 591.82 acres, consideration $2,034.60, amount unpaid when default occurred $992.18, and payments made after default occurred $920.91.

This exhibit is not printed in full but is certified up under order of court and stipulations of parties.

The last sheet of this exhibit is as follows:

CONTRACTS OUTSTANDING JANUARY 1, 1908

	Number of Contracts	Acres	Consideration
Total contracts outstanding January 1, 1907	1,200	267,080.28	1,655,017.10
Sales made during 1907	.....	.....	.....
Total	1,200	267,080.28	1,655,017.10
Contracts paid in full during 1907 which were not in default	161	63,381.42	459,292.87
Contracts paid in full during 1907 which were in default	16	1,088.69	3,745.32
Contracts for which accounts were closed during 1907 because of default	32	1,591.70	7,860.95

	Number of Contracts	Acres	Consideration
Total of contracts terminated during 1907	209	66,061.81	470,899.14
Balance contracts outstanding January 1, 1908....	991	210,018.47	1,184,617.96

Filed May 10, 1913.

A. M. CANNON,
Clerk U. S. District Court.

DEFENDANTS' EXHIBIT 304

Purports to be a statement of contracts paid in full during 1908 which were not in default January 1, 1908, covering 102 contracts, total acreage of 21,494.04 acres, consideration $91,238.97; also contracts paid in full during 1908 which were in default January 1, 1908, covering 7 contracts, total acreage of 580.08 acres, consideration $1,771.58, and payments made after default $1,567.49; also defaulted contracts upon which accounts were closed during 1908, incolving 11 contracts, 688.60 acres, consideration $2,160.09, amount unpaid when default occurred $1,659.44; also contracts not in default January 1, 1908, upon which default occurred during 1908 but accounts not closed during 1908, covering 4 contracts, total acreage of 320 acres, consideration $1,240.00, amount unpaid when default occurred $896.00, payments made after default occurred $896.00.

This exhibit is not printed in full but is certified up under order of court and stipulations of parties.

The last sheet of this exhibit is as follows:

CONTRACTS OUTSTANDING JANUARY 1, 1909

	Number of Contracts	Acres	Consideration
Total contracts outstanding January 1, 1908	991	210,018.47	1,184,617.96
Sales made during 1908	.....	.....	.....
	.....		
Total	991	210,018.47	1,184,617.96
	.....		
Contracts paid in full during 1908, which were not in default	102	21,494.04	91,288.97
Contracts paid in full during 1908, which were in default	7	530.08	1,771.58
Contracts for which accounts were clos-			

	Number of Contracts	Acres	Consideration
ed during 1908 because of default.	11	688.60	2,160.09
.....			
Total of contracts terminated during 1908	1,200	22,712.72	95,170.64
Balance of contracts outstanding January 1, 1909.....	871	178,305.75	1,089,447.32

Filed May 10, 1913.

A. M. CANNON,
Clerk U. S. District Court.

DEFENDANTS' EXHIBIT 305

Purports to be a statement of contracts paid in full during 1909 which were not in default January 1, 1908, covering 77 contracts, total acreage of 5,611.07 acres, consideration $20,861.03; also contracts paid in full during 1909 which were in default January 1, 1908, covering 12 contracts, total acreage of 828.58 acres, consideration of $2,551.71, payments made after default occurred $2,250.17; also defaulted contracts upon which accounts were closed during 1909, covering 4 contracts, total acreage of 259.02 acres, consideration $1,373.14, amount unpaid when default occurred $1,016.43; also contracts not in default January 1, 1909, upon which default

occurred during 1909 but accounts not closed during 1909, covering 3 contracts, 122.26 acres, consideration $425.65, amount unpaid when default occurred $125.58, payments made after default occurred $125.58.

This exhibit is not printed in full but is certified up under order of court and stipulations of parties.

The last sheet of this exhibit is as follows:

CONTRACTS OUTSTANDING JANUARY 1, 1910

	Number of Contracts	Acres	Consideration
Total contracts outstanding January 1, 1909	871	178,305.75	1,089,447.82
Sales made during 1909	.....	.....	.....
	.....		
Total	871	178,305.75	1,089,447.82
	.....		
Contracts paid in full during 1909, which were not in default	77	5,611.07	20,361.03
Contracts paid in full during 1909 which were in default	12	828.58	2,551.71

Contracts for which accounts were closed during 1909 because of default..	4	259.02	1,378.14
.....			
Total of contracts terminated during 1909	93	6,698.67	24,285.88
Balance contracts outstanding January 1, 1910	778	171,607.08	1,065,161.44

Filed May 10, 1913.

A. M. CANNON,
Clerk U. S. District Court.

DEFENDANTS' EXHIBIT 806

Purports to be a statement of contracts paid in full during 1910 which were not in default January 1, 1908, covering 69 contracts, total acreage of 5,874.92 acres, consideration $17,927.38; also contracts paid in full during 1910 which were in default January 1, 1908, covering 2 contracts, total acreage of 73.62 acres, consideration $268.10, payments made after default occurred $234.14; also defaulted contracts upon which accounts were closed during 1910, involving 25 contracts, 1,274.75 acres, consideration $3,625.37, amount unpaid when default occurred $2,989.02; also contracts not in default January 1, 1910, upon which default occurred during

1910 but accounts not closed during 1910, covering 2 contracts, 200 acres, consideration $600.00, amount unpaid when default occurred $178.80, payments made after default occurred $144.00.

This exhibit is not printed in full but is certified up under order of court and stipulations of parties.

The last sheet of this exhibit is as follows:

CONTRACTS OUTSTANDING JANUARY 1, 1911

	Number of Contracts	Acres	Consideration
Total contracts outstanding January 1, 1910	778	171,607.08	1,065,161.44
Sales made during 1910	.....	.....	.....
	.....		
Total	778	171,607.08	1,065,161.44
	.....		
Contracts paid in full during 1910, which were not in default	68	5,874.92	17,927.88
Contracts paid in full during 1910, which were in default	2	78.62	268.10
Contracts for which accounts were closed during 1910 because of default.	25	1,274.75	3,625.37
	.....		

Total of contracts terminated during 1910	95	6,723.29	21,820.85
Balance contracts outstanding Janu- 1, 1911	683	164,883.79	1,043,340.59

Filed May 10, 1913.

A. M. CANNON,
Clerk U. S. District Court.

DEFENDANTS' EXHIBIT 307

Purports to be a statement of contracts paid in full during 1911 which were not in default January 1, 1903, covering 47 contracts, total acreage of 84,129.20 acres, consideration $539,290.94; also contracts paid in full during 1911 which were in default January 1, 1903, number of contracts 2, acres 160, consideration $420.00, payments made after default occurred $377.20; also defaulted contracts upon which accounts were closed during 1911, covering 4 contracts, 720 acres, consideration $1880.00, amount unpaid when default occurred $1,836.00; also

contracts not in default January 1, 1911, upon which default occurred during 1911 but accounts not closed during 1911, covering 1 contract, 40 acres, consideration $200.00.

This exhibit is not printed in full but is certified up under order of court and stipulations of parties.

The last sheet of this exhibit is as follows:

CONTRACTS OUTSTANDING JANUARY 1, 1912

	Number of Contracts	Acres	Consideration
Total contracts outstanding January 1, 1911	683	164,883.79	1,043,340.59
Sales made during 1911			
Total	683	164,883.79	1,043,340.59
Contracts paid in full during 1911, which were not in default	46	84,129.20	539,290.94
Contracts paid in full during 1911, which were in default	2	160.00	420.00
Contracts for which accounts were closed during 1911 because of default..	4	720.00	1,880.00
Total of contracts terminated during 1911	52	85,009.20	541,590.94

	Number of Contracts	Acres	Consideration
Balance contracts outstanding January 1, 1912	631	79,874.59	501,749.65

Filed May 10, 1913.

A. M. CANNON,
Clerk U. S. District Court.

DEFENDANTS' EXHIBIT 308

Purports to be a statement of contracts paid in full January 1, 1912, to June 30, 1912, which were not in default January 1, 1908, covering 21 contracts, total acreage of 12,559.64, consideration $119,176.00; also contracts paid in full between January 1, 1912, and June 30, 1912, which were in default January 1, 1908, there being 1 contract involving 40 acres, consideration $160.00, payments made after default occurred $128.00.

This exhibit is not printed in full but is certified up under order of court and stipulations of parties.

The last sheet of this exhibit is as follows:

CONTRACTS OUTSTANDING JUNE 30, 1912

	Number of Contracts	Acres	Consideration
Total contracts outstanding January 1, 1912	631	79,874.59	501,749.65

	Number of Contracts	Acres	Consideration
Sales made during 1912	.....	.....	.....
		.....	
Total	631	79,874.59	501,749.65
		.....	
Contracts paid in full from January 1, 1912 to June 30, 1912 which were not in default	21	12,559.64	119,176.00
Contracts paid in full January 1, 1912 to June 30, 1912, which were in default	1	40.00	160.00
Contracts for which accounts were closed from January 1, 1912 to June 30, 1912 because of default	.....	.....	.....
		.....	
Total of contracts terminated from January 1, 1912 to June 30, 1912 ...	22	12,599.64	119,336.00

	Number of Contracts	Acres	Consideration
Balance of contracts outstanding June 30, 1912	609	67,274.95	382,413.65

Filed May 10, 1913.

A. M. CANNON,
Clerk U. S. District Court.

DEFENDANTS' EXHIBIT 309

is as follows:

STATEMENT OF FACTS RELATING TO THE LAND GRANT OF THE OREGON & CALIFORNIA RAILROAD COMPANY, SUCCESSOR IN INTEREST TO THE OREGON CENTRAL RAILROAD COMPANY, EAST SIDE, AND THE OREGON CENTRAL RAILROAD COMPANY, WEST SIDE.

By Charles W. Eberlein, Acting Land Agent,

May 1, 1908.

The following acts of Congress, viz., Original Granting Act of July 25th, 1866, and its two amending Acts of June 25, 1868, and April 10, 1869, refer *exclusively* to the grant of lands adjacent to and co-terminous with the railroad line from Portland to the California State Line which inured to the Oregon Central Railroad

Company (East Side) and is not to be confused with the subsequent grant of lands contiguous to the line of railroad from Portland to McMinnville, on the *west side* of the Willamette River, which was earned by a corporation of the same title, "Oregon Central Railroad Company."

The only distinction made by the respective articles of incorporation is that the Oregon Central Railroad Company, popularly called the "East Side Company," was designated by its articles as "of Salem, Oregon," while the Oregon Central Railroad Company popularly known as the "West Side Company," is designated by its articles of incorporation as "of Portland, Oregon."

1. The Act of Congress of July 25, 1866, making the original grant, is as follows: (14 U. S. Stat. p. 239.)

LAND GRANT FOR CALIFORNIA AND OREGON RAILROAD. AN ACT granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad in California, to Portland in Oregon.

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED;

That the "California and Oregon Railroad Company" organized under an act of the State of California, to protect certain parties in and to a railroad

survey, "to connect Portland, in Oregon, with Marysville, in California," approved April sixth, eighteen hundred and sixty-three, and such company organized under the laws of Oregon as the legislature of said state shall hereafter designate, be, and they are hereby authorized and empowered to lay out, locate, construct, finish, and maintain a railroad and telegraph line between the City of Portland, in Oregon, and the Central Pacific Railroad, in California, in the manner following, to-wit: The said California and Oregon Railroad Company to construct that part of the said railroad and telegraph within the state of California, beginning at some point (to be selected by said company) on the Central Pacific Railroad in the Sacramento Valley, in the State of California, and running thence northerly, through the Sacramento and Shasta Valleys, to the northern boundary of the State of California; and the said Oregon Company to construct that part of the said railroad and telegraph line within the State of Oregon, beginning at the City of Portland in Oregon, and running thence southerly through the Willamette, Umpqua, and Rogue River Valleys to the southern boundary of Oregon, where the same shall connect with the part aforesaid, to be made by the first named company: Provided, That the company completing its respective part of the said railroad and telegraph from either of the termini herein named to the line between California and Oregon before the other company shall have likewise arrived at the same line, shall have the right, and the said company is hereby authorized, to continue in

constructing the same beyond the line aforesaid, with the consent of the state in which the unfinished part may lie, upon the terms mentioned in this act, until the said parts shall meet and connect, and the whole line of said railroad and telegraph shall be completed.

Sec. 2. And be it further enacted, that there be, and hereby is, granted to the said companies, their successors and assigns, for the purpose of aiding in the construction of said railroad and telegraph line, and to secure the safe and speedy transportation of the mails, troops, munitions of war and public stores over the line of said railroad, every alternate section of public land, not mineral, designated by odd numbers, to the amount of twenty alternate sections per mile (ten on each side) of said railroad line; and when any of said alternate sections or parts of sections shall be found to have been granted, sold, reserved, occupied by homestead settlers, pre-empted or otherwise disposed of, other lands, designated as aforesaid, shall be selected by said companies in lieu thereof, under the direction of the Secretary of the Interior, in alternate sections designated by odd numbers as aforesaid, nearest to and not more than ten miles beyond the limits of said first-named alternate sections; and as soon as the said companies, or either of them, shall file in the office of the Secretary of the Interior a map of the survey of said railroad, or any portion thereof, not less than sixty continuous miles from either terminus, the Secretary of the Interior shall withdraw from sale public lands herein granted on each side of said railroad, so far as located and within the

limits before specified. The lands herein granted shall be applied to the building of said road within the states, respectively, wherein they are situated. And the sections and parts of sections of land which shall remain in the United States within the limits of the aforesaid grant shall not be sold for less than double the minimum price of the public lands when sold. Provided, That bona fide and actual settlers under the pre-emption laws of the United States may, after due proof of settlement, improvement and occupation, as now provided by law, purchase the same at the price fixed for said lands at the date such settlement, improvement, and occupation: And Provided, also, that settlers under the provisions of the homestead act, who comply with the terms and requirements of said act, shall be entitled within the limits of said grant, to patents for an amount not exceeding eighty acres of the land so reserved by the United States, anything in this act to the contrary notwithstanding.

Sec. 3. And be it further enacted, That the right of way through the public lands be, and the same is hereby, granted to said companies for the construction of said railroad and telegraph line; and the right, power and authority are hereby given to said companies to take from the public lands adjacent to the land of said road, earth, stone, timber, water, and other materials for the construction thereof. Said right of way is granted to said railroad to the extent of one hundred feet in width on each side of said railroad where it may pass over the public lands, including all necessary

grounds for stations, buildings, workshops, depots, machine shops, switches, side tracks, turntables, water stations, or any other structures required in the construction and operating of said road.

Sec. 4. And be it further enacted, That whenever the said companies, or either of them, shall have twenty or more consecutive miles of any portion of said railroad and telegraph line ready for the service contemplated by this act, the President of the United States shall appoint three Commissioners whose compensation shall be paid by said company, to examine the same, and if it shall appear that twenty consecutive miles of railroad and telegraph shall have been completed and equipped in all respects as required by this act, the said commissioners shall so report under oath to the President of the United States, and thereupon patents shall issue to said companies, or either of them, as the case may be, for the lands hereinbefore granted, to the extent of and coterminus with the completed section of said railroad and telegraph line as aforesaid; and from time to time whenever twenty or more consecutive miles of the said road and telegraph shall be completed and equipped as aforesaid, patents shall in like manner issue upon the report of the said commissioners, and so on until the entire railroad and telegraph authorized by this act shall have been constructed, and the patents of the lands herein granted shall have been issued.

Sec. 5. And be it further enacted, that the grants aforesaid are made upon the condition that the said com-

panies shall keep said railroad and telegraph in repair and use, and shall at all times transport the mails upon said railroad and transmit dispatches by said telegraph line for the government of the United States, when required so to do by any department thereof, and that the government shall at all times have the preference in the use of said railroad and telegraph therefor at fair and reasonable rates of compensation, not to exceed the rates paid by private parties for the same kind of service. And said railroad shall be and remain a public highway for the use of the government of the United States, free of all toll or other charges upon the transportation of the property or troops of the United States: And the same shall be transported over said road at the cost, charge and expense of the corporations or companies owning or operating the same, when so required by the government of the United States.

Sec. 6. And be it further enacted, that the said companies shall file their assent to this act in the Department of the Interior within one year after the passage hereof and shall complete the first section of twenty miles of said railroad and telegraph within two years, and at least twenty miles in each year thereafter and the whole on or before the first day of July, one thousand eight hundred and seventy-five; and the said railroad shall be of the same gague (gauge) as the "Central Pacific Railroad" of California, and be connected therewith.

Sec. 7. And be it further enacted, that the said

companies named in this act are hereby required to operate and use the portions or parts of said railroad and telegraph mentioned in section one of this act for all purposes of transportation, travel and communication, so far as the government and public are concerned, as one connected and continuous line; and in such operation and use to afford and secure to each other equal advantages and facilities as to rates, time and transportation, without any discrimination whatever, on pain of forfeiting the full amount of damage sustained on account of such discrimination, to be sued for and recovered in any court of the United States, or of any state, of competent jurisdiction.

Sec. 8. And be it further enacted, that in case the said companies shall fail to comply with the terms and conditions required, namely, by not filing their assent thereto, as provided in section six of this act, or by not completing the same as provided in said section, this act shall be null and void, and all the lands not conveyed by patent to said company or companies, as the case may be, at the date of any such failure, shall revert to the United States. And in case the said railroad and telegraph line shall not be kept in repair and fit for use, after the same shall have been completed, Congress may pass an act to put the same in repair and use, and may direct the income of said railroad and telegraph line to be thereafter devoted to the United States, to repay all expenditures, caused by the default and neglect of said companies, or either of them, as the case may be, or may fix pecuniary responsibility, not exceeding

the value of the lands granted by this act.

Sec. 9. And be it further enacted, that the said "California and Oregon Railroad Company" and the said "Oregon Company" shall be governed by the provisions of the general railroad and telegraph laws of their respective states, as to the construction and management of the said railroad and telegraph line hereinbefore authorized, in all matters not provided for in this Act. Wherever the word "company" or "companies" is used in this act, it shall be construed to embrace the words "their associates, successors, and assigns," the same as if the words had been inserted, or thereto annexed.

Sec. 10. And be it further enacted, that all mineral lands shall be excepted from the operation of this act; but where the same shall contain timber, so much of the timber thereon as shall be required to construct said road over such mineral land is hereby granted to said companies; Provided, that the term mineral lands shall not include land containing coal and iron.

Sec. 11. And be it further enacted, that the said companies named in this act shall obtain the consent of the legislatures of their respective states and be governed by the statutory regulations thereof in all matters pertaining to the right of way, wherever the said road and telegraph line shall not pass over or through the public lands of the United States.

Sec. 12. And be it further enacted, that Congress may at any time, having due regards for the rights of

said California and Oregon Railroad Companies, add to, alter, amend or repeal this act.

Approved, July 25th, 1866.

2. The Act of Congress of June 25th, 1868, amending the original granting act of July 25th, 1866, *extending the time for constructing the first twenty miles, and for completing the road,* is as follows: (15 U. S. Stat. p 80)

AMENDING CALIFORNIA AND OREGON GRANT.

AN ACT to amend an act entitled "An Act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California to Portland, in Oregon."

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED: That section six of an act entitled "An Act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon" approved July twenty-fifth, eighteen hundred and sixty-six, be so amended as to provide that instead of the times now fixed in said section, the first section of twenty miles of said railroad and telegraph shall be completed within eighteen months from the passage of this act, and at least twenty miles in each two years there-

after, and the whole on or before the first day of July, anna Domini eighteen hundred and eighty.

Approved, June 25th, 1868.

3. The Act of April 10, 1869, amending the original granting act of July 25th, 1866, *extending the time for filing assent to the terms of the original granting act as provided in section six thereof,* is as follows: (16 U. S. Stat. p 47.)

AMENDING CALIFORNIA AND OREGON GRANT.

AN ACT to amend an act entitled "An Act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved July twenty-five, eighteen hundred and sixty-six.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:

That section six of an act entitled "An Act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon," approved, July twenty-five, eighteen hundred and sixty-six, be, and the same is hereby, amended so as to allow any railroad company heretofore designated by the legislature of the State of

Oregon, in accordance with the first section of said act, to file its assent to such act in the Department of the Interior within one year from the date of the passage of this act; and such filing of its assent, if done within one year from the passage hereof, shall have the same force and effect to all intents and purposes as if such assent had been filed within one year after the passage of said act: Provided, that nothing herein shall impair any rights heretofore acquired by any railroad company under said act, nor shall said act or this amendment be construed to entitle more than one company to a grant of land; And provided further, that the lands granted by the act aforesaid shall be sold to actual settlers only, in quantities not greater than one-quarter section to one purchaser, and for a price not exceeding two dollars and fifty cents per acre.

Approved, April 10, 1869.

OREGON CENTRAL RAILROAD COMPANY. WEST SIDE.

Following is reference to the Act of Congress (no amendments) granting land adjacent to and coterminous with railroad and telegraph line from Portland to McMinnville, Oregon, viz:

An Act granting lands to aid in the construction of a Railroad and Telegraph Line from Portland to Astoria and McMinnville, in the State of Oregon.

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED, That for the purpose of aiding in the construction of a railroad and telegraph line from Portland to Astoria, and from a suitable point of junction near Forest Grove to the Yamhill river, near McMinnville, in the State of Oregon, there is hereby granted to the Oregon Central Railroad Company, now engaged in constructing the said road, and to their successors and assigns, the right of way through the public lands of the width of one hundred feet on each side of said road, and the right to take from the adjacent public lands materials for constructing said road, and also the necessary lands for depots, stations, sidetracks, and other needful uses in operating the road, not exceeding forty acres at any one place; and, also, each alternate section of the public lands, not mineral, excepting coal or iron lands, designated by odd numbers nearest to said road, to the amount of ten such alternate sections per mile, on each side thereof, not otherwise disposed of or reserved or held by valid pre-emption or homestead right at the time of the passage of this Act. And in case the quantity of ten full sections per mile cannot be found on each side of said road within the said limits of twenty miles, other lands designated as aforesaid shall be selected under the direction of the Secretary of the Interior on either side of any part of said road nearest to and not more than twenty-five miles from the track of said road to make up such deficiency.

Sec. 2. AND BE IT FURTHER ENACTED, That the commissioner of the general land-office shall cause the lands along the line of the said railroad to be surveyed with all convenient speed. And whenever and as often as the said company shall file with the Secretary of the Interior maps of the survey and location of twenty or more miles of said road, the said Secretary shall cause the said granted lands adjacent to and coterminous with such located sections of road to be segregated from the public lands; and thereafter the remaining public lands, subject to sale within the limits of the said grant, shall be disposed of only to actual settlers at double the minimum price for such lands. AND PROVIDED ALSO, That settlers under the provisions of the Homestead Act who comply with the terms and requirements of said Act, shall be entitled within the said limits of twenty miles, to patents for an amount not exceeding eighty acres each of the said ungranted lands, anything in this Act to the contrary notwithstanding.

Sec. 3. AND BE IT FURTHER ENACTED, That whenever and as often as the said company shall complete and equip twenty or more consecutive miles of the said railroad and telegraph the Secretary of the Interior shall cause the same to be examined, at the expense of the company, by three commissioners appointed by him; and if they shall report that such completed section is a first-class railroad and telegraph,

properly equipped and ready for use, he shall cause patents to be issued to the company for so much of the said granted lands as shall be adjacent and conterminous with the said completed (completed) sections.

Sec. 4. AND BE IT FURTHER ENACTED, That the said alternate sections of land granted by this Act, excepting only such as are necessary for the company to reserve for depots, stations, side-tracks, wood-yards, standing-ground, and other needful uses in operating the road, shall be sold by the company only to actual settlers, in quantities not exceeding one hundred and sixty acres or a quarter section to any one settler, and at prices not exceeding two dollars and fifty cents per acre.

Sec. 5. AND BE IT FURTHER ENACTED, That the said company shall, by mortgage or deed of trust to two or more trustees, appropriate and set apart all the net proceeds of the sales of the said granted lands, as a sinking fund, to be kept invested in the bonds of the United States, or other safe and more productive securities, for the purchase from time to time, and the redemption at maturity, of the first mortgage construction bonds of the company, on the road, depots, stations, side-tracks, and wood-yards, not exceeding thirty thousand dollars per mile of road, payable in gold coin, not longer than thirty years from date, with interest payable semi-annually in coin not exceeding the (rate) of seven per centum per annum; and no part of the principal or interest of the said fund shall be applied to any

other use until all the said bonds shall have been purchased or redeemed and cancelled; and each of the said first mortgage bonds, shall bear the certificate of the trustees, setting forth the manner in which the same is secured and its payment provided for. And the district court of the United States, concurrently with the State Courts, shall have original jurisdiction, subject to appeal and writ of error to enforce the provisions of this section.

Sec. 6. AND BE IT FURTHER ENACTED, That the said company shall file with the Secretary of the Interior its assent to this Act within one year from the time of its passage; and the foregoing grant is upon condition that said company shall complete a section of twenty or more miles of said railroad and telegraph within two years and the entire railroad and telegraph within six years, from the same date.

Approved May 4, 1870. (16 Stat. 94.)

It must be clearly kept in mind that Oregon Central Railroad Company—*West Side* was the first corporation organized and the first company to be designated by the Oregon legislature to receive the grant of lands, *contemplated by the Act of July* 25, 1866. That by reason of opposition of rivals resulting in cancellation of its designation to receive the grant of July 25th, 1866, and by its inability to finance its undertaking the said Oregon Central Railroad Company—West Side, withdrew from the contest for the grant of July 25,

1866, and applied to Congress for an entirely new grant, viz: for lands adjacent to and coterminous with a line to be constructed from Portland to McMinnville, *West of the Willamette River*. Such grant was actually made by *Act of Congress approved* May 4, 1870. The line was built by this *West Side* company and that grant was earned by such company.

But subsequent to the years 1868 and 1869 the Oregon Central Railroad Company, *West Side*, did not claim any interest in the lands granted by the act of July 25, 1866 lying along the line of the road from Portland south on the *East Side, of the Willamette River* to the State Line which line was built by and the lands earned by the "Oregon Central Railroad Company, *East Side," organized April* 22, 1867.

The various steps by which the title to the land grant now held by the Oregon & California Railroad Company became vested in the several original companies, present a complicated state of facts, upon which the United States may base a proceeding for forfeiture on the ground that neither of the two corporations designated as the Oregon Central Railroad Company of Salem, (East Side) and Oregon Central Railroad Company of Portland, (West Side) ever complied with the granting act; viz., That neither were ever legally organized, or designated as provided by the Act of July 25, 1866, as follows:

"And such company organized under the laws of Oregon as the legislature of said State shall hereafter

designate," etc., and that therefore the grant of July 25th, 1866 was never legally acquired by either of said companies or their successor the Oregon & California Railroad Company.

The initial step to acquire the grant in pursuance of the Act of July 25th, 1866, was taken by Joseph Gaston, who prepared the following as articles of incorporation of the "Oregon Central Railroad Company," which he attempted to file with the Secretary of State of Oregon, October 6, 1866:

"United States of America, State of Oregon, Office of the Secretary of State.

"I, F. W. Benson, Secretary of State of the State of Oregon, and Custodian of the Seal of said State, do hereby certify: That the annexed pages contain a full true and complete copy of the articles of incorporation of the Oregon Central Railroad Company, with the endorsements thereon, filed in the office of the Secretary of State of the State of Oregon November 21, 1866, as the law directs.

"In Testimony Whereof, I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

"Done at the Capitol at Salem, Oregon, this 18th day of December A. D. 1907.

F. W. BENSON,

(SEAL.) Secretary of State.

"Know all men by these presents, that we, the undersigned citizens of the State of Oregon, do hereby associate ourselves together as a private incorporation, under and by virtue of the General Incorporation law of said State.

1st.

"The corporation hereby created shall be known as the "Oregon Central Railroad Company," and its duration unlimited.

2nd.

"The object and business of the corporation shall be to construct and operate a railroad from the City of Portland, through the Willamette Valley to the southern boundary of the State; under the laws of Oregon, and the law of Congress recently passed granting land and aid for such purposes.

3rd.

"The corporation shall have its principal office in the City of Portland.

4th.

"The capital stock of said corporation shall be five million dollars, divided into general, and preferred interest bearing stock, in such proportions as the incorporators, or board of directors, may deem proper.

5th.

"The amount of each share of the capital stock shall be one hundred dollars.

6th.

"The termini of the railroad proposed to be constructed by said company, shall be for the northern end, at the City of Portland, and for the southern end at some point on or near the southern boundary of the state, as may be hereafter determined by actual survey.

"In Witness Whereof we have here set our hands and seals this ..... day of September, A. D., 1866.

	J. S. Smith.	Seal
	I. R. Moores.	Seal
	J. H. Mitchell.	Seal
	E. D. Shattuck.	Seal
	Jesse Applegate.	Seal
	F. A. Chenoweth.	Seal
	Joel Palmer.	Seal
(Five Cents in Revenue	H. W. Corbett	Seal
Stamps, Cancelled.)	M. M. Melvin.	Seal
	Geo. L. Woods.	Seal
	R. R. Thompson.	Seal
	J. C. Ainsworth.	Seal
	S. G. Reed.	Seal
	John M. Craken.	Seal
	C. H. Lewis.	Seal
	B. F. Brown.	Seal
	T. H. Cox.	Seal
	J. Gaston.	Seal

"State of Oregon, Marion County, ss:

"Be it known that the persons whose names are attached to the foregoing articles of incorporation, appeared before me, the undersigned, a notary public for and within said county and state respectively and at the time and places herein named, to-wit, J. S. Smith, I. R. Moores, J. H. Mitchell, E. D. Shattuck, Jesse Applegate, F. A. Chenoweth, Joel Palmer, and H. W. Corbett, at Salem in said State on or about the 29th day of September, 1866, and M. M. Melvin, at Salem, on or about October 23rd, 1866, and George L. Woods at Salem on or about November 10, 1866, and R. R. Thompson, J. C. Ainsworth, S. G. Reed, Jno. M. Cracken and C. H. Lewis at Portland, Oregon, on the 16th day of November, 1866; and they the said several subscribing persons to the aforesaid articles of incorporation did then and there, at the several times set forth in this certificate, sign and seal said articles before me and in my presence, and acknowledge the said signing and sealing to be their voluntary act and deed for the purposes set forth in said articles.

"In Witness Whereof, I have here set my signature as said Notary Public and attached my official seal this 16th day of November, 1866.

J. GASTON,

(Official seal.) Notary Public.

(Five cents in revenue stamps, cancelled.)

"State of Oregon, County of Marion, ss:

"On this the 20th day of November, A. D., 1866, before me, a notary public in and for said county, personally came the within named B. F. Brown, Thos. H. Cox and J. Gaston, who are personally known to me to be the identical persons whose names are subscribed to the within instrument, and acknowledged to me that they signed the same for the purposes therein set forth.

"Witness my hand and seal of office this 20th day of November, A. D., 1866.

SETH R. HAMMER,

(Seal.) Notary Public.

(Endorsed.)

"Filed in the office of the Secretary of State this 21st day of November, A. D., 1866, at 10½ o'clock A. M.

SAMUEL E. MAY, Secretary of State.

DISSOLVED. And these articles of incorporation revoked and repealed, in pursuance of the provisions of Chapter 172, Laws of 1905, by proclamation of the Governor, filed in the office of the Secretary of State January 20th, 1906.

F. I. DUNBAR, Secretary of State.

The following is Gaston's statement as to the acts performed by him in attempting to file these articles with the Secretary of State.

"On the 6th day of October, 1866, four days before

the passage in the legislature of the joint resolution No. 13, designating the company to receive the land grant, I took the articles of incorporation to Samuel E. May, Secretary of State, handed them to him in his office, and requested him to file them according to law. He took one copy and wrote a filing of that date in pencil on the back of it instead of filing it in ink. I told the Secretary I desired to have other names added. He handed me back the papers. I told persons they had been filed. The Secretary of State told other persons the same thing,—*and they were filed in fact and in law October* 6, 1866." (The italics are Gaston's.) .....
Inside history of the Oregon Railroad (Page 30), by Joseph Gaston; published in 1869.

Gaston is also authority for the statement that the following notation was made on the back of the Multnomah County copy of said articles, by Secretary May, January 9, 1869:

"This is evidently the articles of incorporation presented by Gaston for filing on the 6th day of October, 1866, as I recognize the letters and figures on the bottom to have been made by me at that date, which I have not seen from that day to this.

January 9, 1869.

SAMUEL E. MAY, Secretary of State.

(Page 30 of same pamphlet.)

The records of the Secretary of State of Oregon show no filing of these articles of incorporation on Octo-

ber 6, 1866, but show them to have been filed November 21, 1866, as hereinafter more fully explained. The following is a statement regarding such filing made by the Secretary of State, Samuel E. May, in a letter addressed by him to Addison C. Gibbs, dated January 5th, 1869:

State of Oregon.
Secretary's Office.
Salem, January 5, 1869.

Hon. Addison C. Gibbs,

Portland, Oregon.

Dear Sir:—I have no personal knowledge of the filing of papers in this office by Mr. Gaston, on the 6th of October, 1866, more than this: that about the date named, (Mr. Gaston says it was the 6th) he presented me an envelope which he said contained articles of incorporation of the Oregon Central Railroad Company, on which envelope I marked the date in pencil (Mr. Gaston says that I marked the document instead of the envelope, but I have not seen the paper since, hence my impressions are that I marked the envelope). I did not examine the contents, did not formally file the paper. Mr. Gaston wished to retain it in his possession for a short while, but for legislative purposes desired to say it had been presented for filing, to which I could see no objection.

I had forgotten the foregoing circumstances altogether, until about the middle of Nov. 1866, Hon. J. S. Smith made application to see the articles of incor-

poration of the "Oregon Central Railroad Company." I turned to the usual depository for such documents, but not until after I had made thorough search did it occur to me that the articles referred to were not in my possession.

* * * *

Your obedient servant,

SAMUEL E. MAY, Secretary of State.

Gaston's purpose in attempting to organize the company above referred to, and file its articles as above, was to anticipate the effect of a then pending resolution of the legislature of Oregon intended to designate a company of the name "Oregon Central Railroad Company," as the corporation entitled to take advantage of the terms of the Act of July 25th 1866, and earn the grant.

On October 10, 1866, the legislature of Oregon did pass the following House Joint Resolution No. 18:

WHEREAS, The congress of the United States at its late session passed an Act granting land to aid in the construction of a railroad and telegraph from the Central Pacific Railroad in California to Portland, Oregon, and made it the duty of the legislative assembly of the state of Oregon to designate the company organized under the laws of Oregon, which shall receive that part of said land grant lying within the state of Oregon; therefore be it

RESOLVED, by the House, the Senate concurr-

ing: That the "Oregon Central Railroad Company," a company organized under the general incorporation law of this state, be and the same is hereby designated as the company which shall be entitled to receive the land granted and all the benefits of an act of congress, approved July 25th, 1866, entitled "An Act granting land to aid in the construction of a railroad and telegraph from the Central Pacific Railroad in California to Portland, Oregon," so far as the said land grant applies to the state of Oregon.

These articles which Gaston presented to the Secretary of State for filing, October 6, 1866, he was allowed by the Secretary to take and a number of other names and acknowledgements were added thereto and they were then again presented to the Secretary of State, whose records show them to have been filed November 21, 1866.

The fact of this filing November 21, 1866, it will be noted, was subsequent to the passage of the joint resolution of the legislature of Oregon of October 10th, 1866 designating the aforesaid "West Side" company. This, together with the conflicting claims of the officers of the "West Side" company and the Secretary of State as to whether said articles were legally filed before or after the passage of the joint designating resolution of October 10, 1866 led to much litigation between the Oregon Central Railroad Company (West Side) and the Oregon Central Railroad Company (East Side) subsequently organized April 22, 1867, which litigation will

be referred to hereafter.

Following is copy of the general incorporation law of the State of Oregon as it existed at the dates when both Oregon Central Railroad Companies "West Side" and "East Side" were incorporated, viz:

Chapter VII. Sec. 1. Whenever three or more persons shall desire to incorporate themselves for the purpose of engaging in any lawful enterprise, business, pursuit or occupation, they may do so in the manner provided in this chapter.

"Sec. 2. Such persons shall make and subscribe written articles of incorporation, in triplicate, and acknowledge the same before any officer authorized to take the acknowledgement of a deed, and file one of such article in the office of the Secretary of State, another with the clerk of the county where the enterprise, business, pursuit or occupation is proposed to be carried on, or the principal office or place of business is proposed to be located, and retain the third in the possession of the corporation.

"Sec. 3. The articles of incorporation, or certified copy of the one filed with the Secretary of State or the County Clerk, is evidence of the existance of such corporation.

"Sec. 5. Upon the making and the filing of the articles of incorporation as herein provided, the person subscribing the same are corporators, and authorized to carry into effect objects specified in the articles, in

the manner provided in this chapter; and that their successors, associates, and assigns, by the name assumed in such articles, shall thereafter be deemed a body corporate with power:

1st,—To sue and be sued;

2nd,—To contract and to be contracted with,—

3rd,—To have and use corporate seal and the same to alter at pleasure;

4th,—To purchase, possess and dispose of such real and personal property as may be necessary and convenient, to carry into effect the object of the corporation.

5th,—To appoint such subordinate officers and agents as the business of the corporation may require, and describe their duties and compensation.

6th,—To make by-laws not inconsistent with any existing laws for the sale of any portion of its stock for delinquent or unpaid assessments due thereon, which sale may be made without judgment or execution; provided that no such sale shall be made without thirty days notice of time and place of sale in some newspaper in circulation in the neighborhood of such company for the transfer of its stock, for the management of its property, and for the general regulation of its affairs.

"Sec. 6. The corporators or any portion of them designated by a majority of the whole number, are

authorized to open books and receive subscriptions to the capital stock of the corporations, and as soon as such capital stock has been subscribed by them, give notice to the subscribers to meet at such time and place as they may designate for the purpose of electing not less than three directors, as stockholders present shall determine, provided that it shall be lawful in the organization of any corporation to elect a Board of Directors as soon as one-half of the capital stock has been subscribed."

Deady & Lane, General Laws of Oregon,

1843-1873, Chapter 7, page 524.

It seems that there was dissension among the original incorporators of the foregoing "West Side" company and one I. R. Moores who was one of the dissenting incorporators and who was also Assistant Secretary of State entertained the opinion that the articles presented by Gaston Oct. 6, 1866 to the Secretary of State for filing has not been legally filed and conceived the plan of organizing another company of the same name "Oregon Central Railroad Company" and filing its articles ahead of the legal filing of the Gaston Company, using said incorporation as basis of claim that said corporation having been the first to make legal filing and having the name "Oregon Central Railroad Company" would be entitled to the designation made by the legislature and also to the grant of land. He accordingly prepared and filed such articles of incorporation on November 17th, 1866.

This corporation, whose articles were filed November 17th, 1866, seems never to have contended for the land grant nor entered into the litigation arising out of the same. The corporation seems to have been abandoned within a few days, for the same incorporators together with other persons later formed a third corporation entitled "Oregon Central Railroad Company" (East Side).

In a pamphlet issued May, 1868, by this last named (third) corporation is found the following language:

"With a full knowledge of all the facts in the case the articles of incorporation filed November 17th, 1866, were abandoned because they were not deemed sufficient for the purpose in view, and in preference to amending them new articles were filed April 22, 1867."

It is therefore not necessary to take further notice of this second corporation having title "Oregon Central Railroad Company" and whose articles of incorporation were filed November 17, 1866.

All proceedings subsequently taken before the Department of the Interior and the courts refer only to the claims of the rival corporation vix: Oregon Central Railroad Company (East Side) and Oregon Central Railroad Company (West Side)

"ORGANIZATION OF THE OREGON CENTRAL RAILROAD COMPANY" (EAST SIDE.)

In the winter of 1866-67 certain citizens of the State of Oregon, proceeding apparently on the assumption that the "Oregon Central Railroad Company"—West Side—had been fraudulently designated by the resolution of the Oregon legislature of October 10, 1866, and also that said "West Side" corporation was unable to finance its enterprise to a successful conclusion, organized another corporation known afterwards as the "East Side" Company, under the name of the "Oregon Central Railroad Company" of Salem.

This is the identical title contained in designation by the Oregon legislature joint resolution of Oct. 10, 1866. The articles of this *third* corporation having the title "Oregon Central Railroad Company," were filed with the Secretary of State of Oregon April 22, 1867. Following is a copy of its Articles of Incorporation:

"United States of America, State of Oregon, Office of the Secretary of State.

"I, F. W. Benson, Secretary of State of the State of Oregon, and Custodian of the Seal of said State, do hereby certify: That the annexed pages contain a full, true and complete copy of the articles of incorporation of the OREGON CENTRAL RAILROAD COMPANY, with the endorsements thereon, filed in the of-

fice of the Secretary of State of the State of Oregon April 22, 1867, as the law directs.

"In Testimony Whereof, I have hereunto set my hand and affixed hereto the Seal of the State of Oregon.

(SEAL) "Done at the Capitol at Salem, Oregon, this 18th day of December, A. D. 1907.

F. W. BENSON,

Secretary of State.

"Know all men by these presents, that we, J. H. Moores, Geo. L. Woods, S. Ellsworth by Geo. L. Woods, his Attorney, I. R. Moores, E. N. Cooke and J. S. Smith, by I. R. Moores, their Attorney and Samuel A. Clarke have this day incorporated ourselves under and in accordance with the laws of Oregon, and we adopt the following as our Articles of Incorporation.

ARTICLE FIRST.

"This corporation shall be known as and do business under the name of the OREGON CENTRAL RAILROAD COMPANY.

ARTICLE SECOND.

"The enterprise, occupation and business for which this company incorporates is to construct a railroad with all the necessary branches, fixtures, buildings and appurtenances from Portland, in Oregon, Southerly about

three hundred miles to the California line, to maintain the said road in good condition and repair, and to employ the same in the transportation of freight and passengers and freight.

ARTICLE THIRD.

"The principal office for the transaction of the business of the Company shall be kept at the City of Salem, Marion County, Oregon.

ARTICLE FOURTH.

"The capital stock of the OREGON CENTRAL RAILROAD COMPANY shall be fixed at Seven Million Two Hundred and Fifty Thousand Dollars ($7,250,000.00).

ARTICLE FIFTH.

"The number of shares of the capital stock shall be Seventy Two Thousand Five Hundred (72,500) and the amount of each share of the stock shall be One Hundred Dollars ($100.00).

ARTICLE SIXTH.

"The period of time during which the company shall remain in operation is not limited as to duration.

"In testimony of our adoption of the foregoing Articles of Incorporation, witness our hands and seals this the twenty second day of April, A. D. 1867.

JOHN H. MOORES (SEAL)
GEO. L. WOODS (SEAL)
(Fifteen cents in) S. ELLSWORTH (SEAL)
(revenue stamps) By GEO. WOODS, Atty. (SEAL)
(cancelled.) I. R. MOORES (SEAL)
I. N. Smith per I. R. MOORES, Atty. (SEAL)
E. N. Cooke per I. R. MOORES, Atty. (SEAL)
SAM'L A. CLARKE (SEAL)

STATE OF OREGON)
) ss.
MARION COUNTY.)

"Be it remembered that on this the twenty second day of April, A. D. 1867, personally came before me, a Notary Public in and for said County and State, the within named I. R. Moores, Geo. L. Woods, I. R. Moores, for himself and also as Attorney in Fact for each of the following named persons: J. S. Smith & E. N. Cooke and S. Ellsworth, by Geo. L. Woods, his Atty. and S. A. Clarke who severally acknowledged that they signed the within and foregoing instrument in person or as Attorney, for the uses and purposes therein named.

"In Witness Whereof, I have hereunto set my hand and Notarial Seal this the day and year above written.

C. S. WOODWORTH,
Notary Public.

(Notarial Seal)
(Five cents in revenue)
(stamps cancelled)

(ENDORSED)

"Articles of Incorporation of Oregon Central R. R. Co. Filed in the office of the Secretary of State this 22d day of April, A. D. 1867.

I. R. MOORES,
Acting Secy. of State.

DISSOLVED. And these articles of incorporation revoked and repealed in pursuance of the provisions of Chapter 172, Laws of 1905, by proclamation of the Governor, filed in the Office of the Secretary of State, January 20th, 1906.

F. I. DUNBAR,
Secretary of State."

The Oregon Central Railroad Company—"East Side," organized April 22, 1867, claiming that the "West Side" Company was not a legally organized corporation at the time it was designated by the joint resolution of the Oregon legislature of *October* 10, 1866, as entitled to earn the grant, procured the legislature to review its action in designating said "West Side" Company by said resolution, and induced the legislature to pass, on October 17, 1868, the following Senate Joint Resolution No. 16;

"Whereas, The Congress of the United States, by an act approved July 25, 1866, entitled "an act granting land to aid in the construction of a railroad and telegraph from the Central Pacific Railroad to Portland, in Oregon," did grant certain lands in the State of Oregon and confer certain benefits and privileges upon such company, organized under the laws of Oregon, as the legislature of such state should thereafter designate; and

"Whereas, the legislative assembly of Oregon, at its fourth regular session, did adopt a joint resolution, known as "House Joint Resolution No. 13," designating in terms the Oregon Central Railroad Company as the company entitled to receive the land granted by, and all the benefits and privileges of, the said Act of Congress; and

"Whereas, at the time of the adoption of the said joint resolution as aforesaid, no such company as the Oregon Central Railroad Company was organized or in existence, and the said joint resolution was adopted under a misapprehension of facts as to the organization and existence of such a company; and

"Whereas, the designation of the company to receive the lands in the State of Oregon granted, and the benefits and privileges conferred by the said act of congress, yet remain to be made;

"Be it resolved by the Senate, the House concurring, That the Oregon Central Railroad Company, a corporation organized at Salem on the twenty-second (22d) day of April, in the year one thousand eight hundred and

sixty-seven (1867), under and pursuant to the laws of the state of Oregon, be and the same is hereby designated as the company entitled to receive the lands in Oregon, and the benefits and privileges conferred by the said act of congress." Adopted by the House, Oct. 20, 1868, by the Senate, Oct. 17, 1868.

The grounds upon which the legislative action in passage of senate joint resolution of October 17, 1868, was based are fully set forth in the majority and minority reports of the railroad committee of the senate—Oregon Legislature—given below, viz:

In the House Journal of the Legislature of the State of Oregon, for the year 1868, October 17th (page 303) is found the following report:

"Majority Report of the Railroad Committee to whom was referred House Resolution No. 24, which reads as follows:

" 'Resolved, That the Committee on railroads be instructed to inquire what action if any is necessary to make availing the grant of land made by Congress in aid of railroad from Portland through Umpqua, to Jackson County, and to the southern boundary of Oregon, and report to the House at an early day; and that the committee be instructed to inquire what company if any have availed themselves of the Act of Congress by filing their acceptance of the grant of land within the time prescribed by the said Act.'

"The Act of Congress granting lands to aid in the

construction of a railroad and telegraph from the Central Pacific Railroad in California to Portland, Oregon, became a law on the 25th day of July, 1866. The first section of the act granted twenty sections of land to each mile of railroad to be selected within 30 miles of the road, patents to the same to be issued as fast as the company constructed and put in operation 20 mile sections of the road.

"The land for that portion of the road lying in Oregon was granted to such company as the legislature of Oregon should designate. The land was not granted to the State and the State has no control of the matter. The only act the Legislature had to perform was to designate a company. The Legislature had therefore no right or power to grant the lands to any company.

"Section 2d of the act declares expressly that the land is granted to the company although at the time the act passed the company was not in existence. When the Legislative Assembly met in 1866 it adopted a joint resolution (H. J. R. No. 18) designating the Oregon Central Railroad Company to receive the grant from Congress.

"The said resolution also declared said company to be organized under the laws of Oregon.'

"Taking the record as it stands, we do not believe that this Legislature has any power or authority to contradict the findings of a former Legislature, but even if it had, there has been evidence offered before your Com-

mittee showing that it was the Articles of Incorporation of the Oregon Central Railroad Company of Portland, Oregon, commonly called the West Side Company, that was before the Last Legislature. In fact that name had never been used before or at that time except in the Articles of Incorporation of the West Side Company. It is also in evidence that these Articles were offered to the Secretary of State four days before the passage of the Joint Resolution above referred to, and by the Secretary then filed in pencil. From these facts the majority of your Committee are of the opinion that the Legislature of 1866 did designate a company.

"But whatever may have been the action of the last Legislature on this matter, we are clearly of the opinion that this Legislature has nothing to do with it and cannot properly take any action in the premises.

"Section 6 of the Act of Congress referred to provides that the company shall file their "assent" to the Act of Congress granting the lands in the Department of the Interior 'within one year from the passage of the act.' That year expired on the 25th of July, 1867, and if no company has filed their 'assent' prior to that date, the entire Act, according to section 8, became totally null and void and is now absolutely lost to all companies except such as complied with the provisions of the Act of Congress.

"On the sixth day of July, 1867, in pursuance of the law and the instructions of the Secretary of the Interior, the west Side Company duly filed their 'assent'

to the Act of Congress, together with a copy of the joint resolution of the Legislature of 1866, under the Great Seal of the State and the certificate of the Secretary of Oregon. The Secretary of the Interior accepted these papers and has continually recognized the West Side Company as entitled to the land grant. It may be thought by some that Congress extended the time for filing papers. This is a mistake. At the request of the West Side Company Congress at its last session did extend the time for building the first twenty miles of the road some eighteen months, but did not extend the time for filing papers.

"In proof of this position, we not only have the amending act itself, which was passed by Congress on June 24, 1868, but since that date on the 16th day of July, 1868, A. M. Loryea, Vice President of the East Side Company offered to file assent of his company, which was rejected by the Secretary of the Interior as fully appears from the following letter:

" 'Department of the Interior, Washington, D. C., July 17, 1868. Sir: I have received your letter of the 16th inst. and accompanying paper purporting to be an acceptance by the Oregon Central Railroad Company of the grant made by the Act of July 25th, 1868.

" 'By law, the company was required to file an "assent" to its terms and conditions within one year. That time expired July 25th, 1867, and this paper if sufficient for that purpose, could not now be received.

" 'I state for your information that J. Gaston, Presi-

dent of the Oregon Central Railroad Company, within the time prescribed in this act, filed an assent which was received.

" 'In compliance with your request I enclose copy of my letter of the 8th inst. to Mr. Gaston in regard to maps to be filed in this Department. Very respectfully, Your obedient servant, O. H. Browning, Secretary. A. M. Loryea, Present.'

"The act of congress gives the Secretary of the Interior the entire control and administration of the matter, as in fact he has of all land grants.

"We therefore conclude that if the West Side Company has not the land, no company has, and no company can get it, and this Legislature can not enable any company to take any steps in the matter.

"We therefore recommend that no action be taken by this Legislature in the premises, and that we do not in any way make ourselves parties to any contest between rival corporations.

Jas. F. Gazley
J. L. Scoggins
D. E. Benson.

"Mr. Ballinger, Chairman of the Committee on Railroads, presented the following minority report, which was received and ordered printed:

"Minority Report. Your committee, to whom was referred the inquiry of this House as to what steps, if any, are necessary to secure to this state the lands grant-

ed by Congress to aid in the construction of railroad and telegraph line from the Central Pacific Railroad in California to Portland, in Oregon, find that Congress granted at its 39th session to 'such company organized under the laws of Oregon as the Legislature of said state shall hereafter designate' every alternate section of public land not mineral designated by odd numbers to the amount of twelve alternate sections per mile (ten on each side) of said railroad line, and that the said company so designated was required to file their assent to the Act of Congress making the grant, in the Department of the Interior, within one year from the passage of the Act, and to complete the first section of twenty miles of railroad and telegraph within two years, and at least twenty miles in each two years thereafter. And in conjunction with the California and Oregon Railroad Company 'to complete the whole from the Central Pacific Railroad' in California to Portland, Oregon, on or before the first day of July, one thousand eight hundred and seventy-five; that the said company so designated is required to begin the construction of said road at Portland and run thence southerly through the Willamette, Umpqua and Rogue River Valleys to the southern boundary of Oregon. Your committee find that Congress at its last session, extended the time one and one-half years in which the company may complete the first section of twenty miles of road.

"Save in one particular, this Act may be regarded as a complete grant in itself. Amply guarded by conditions designed to attain the intent of the Act, and well calcu-

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lated to secure to the State of Oregon essential and much needed aid in the development of her resources.

"The one particular wherein the Act is incomplete is in the omission to designate the company to receive the grant. The duty was imposed upon the Legislature of Oregon; and accordingly at the last session, a joint resolution was adopted on the 10th of October designating the 'Oregon Central Railroad Company,' a company organized under the incorporation laws of this state, as the grantee.

"But an examination of the records of the Secretary of State's office shows that there was no such company as the 'Oregon Central Railroad Company,' or, indeed, any company, within the purview of the Act of Congress in existence at the time of the passage of the joint resolution, or at any time during the session of the Legislature.

"The first association of that name filed its Articles of Incorporation on the 17th of November, 1866, and was composed of J. S. Smith, I. R. Moores and E. N. Cooke.

"How it happened that the Legislature of Oregon should designate the 'Oregon Central Railroad,' as the recipient of the Congressional Grant and refer to such company as 'one organized under the laws of the State'—there being no such company then in existence—is perhaps difficult to determine with certainty at this late date.

"That the Legislature had in their minds some association of persons claiming such title as the 'Oregon Centrail Railroad Company' seems to be obvious not only from the fact that the joint resolution would otherwise be a mere empty and vain act—as in fact it was—but from the additional fact that on the 12th of October, two days after the joint resolution was adopted, the select committee, to whom was referred the special message of the Governor in relation to a railroad grant, presented a voluminous report, which, after speaking of the Congressional grant, proceeds as follows:

" 'In view of these facts, the following named gentlemen have incorporated themselves under the general incorporation laws of this State, to-wit: J. S. Smith, I. R. Moores, E. D. Shattuck, Jesse Applegate, Edwin R. Geary, S. Ellsworth and H. W. Corbett, under the name and style of the 'Oregon Central Railroad Company' for the purpose of securing the said grant of lands and using it, so far as it may go, towards the construction of proposed railroad passing through the Willamette, Umpqua and Rogue River valleys.'

"When we add that as early as the 29th of September, these gentlemen had actually signed and acknowledged Articles incorporating themselves under the name of the Oregon Central Railroad Company, for the purpose of building the railroad required by the Act of Congress, the conclusion appears to be irresistible that it was to this association of persons that the joint resolution had reference.

"Yet, although signed and acknowledged at that date, these Articles of Incorporation were not filed until the 21st of November following (which was long after the adjournment of the Legislature), and when filed they were found to have been altered by the addition of ten other names as incorporators.

"But if it was to this association of persons—there being no company in existence—that this legislative act had reference, still the company filing articles on the 21st of November acquired in law no right to be considered the grantee of Congress, and, indeed, in fact, none of these persons remained in and acted with said corporation.

"Besides the two certificates of incorporation already mentioned, we find a third filed on the 22nd day of April, 1867, by I. R. Moores, George L. Woods, S. Ellsworth, J. H. Moores, E. N. Cooke, J. S. Smith and Samuel A. Clarke, incorporating themselves under the name of the Oregon Central Railroad Company for the purpose of constructing a railway in accordance with the Act of Congress.

"There is no corporation of company other than the foregoing claiming the title of the Oregon Central Railroad Company, or purporting to construct a railroad as called for by this Act.

"Your committee are therefore clearly of the opinion that no such designation by the Legislature as is required by the Act of Congress has been made, and hence

no company has yet acquired rights under the grant, and in order to secure to the state the benefits of the Act, some legislative action is still necessary.

"The resolution of this House instructs your committee to inquire whether any company has complied with the law of Congress by filing an assent with the Secretary of the Interior within the prescribed time.

"A letter was produced and read before your committee, addressed to the Vice-President of the Oregon Central Railroad (East Side) and purporting to be from the said Secretary in which it is stated that J. Gaston, Esq., President of the Oregon Central Railroad Company, has filed an assent within the prescribed time, and that no other paper could then be received for that purpose. The reason of such refusal being, as your committee understood it, that the time limited by the Act had expired.

"By the terms of the Act only such company as shall be designated by the Legislature shall file its assent, and as no designation has yet been made, there is, of course, no company in existence within the terms or intent of the Act to file assent. Your committee must, therefore, answer that no such assent as required by the Act has been filed, and the state must rely upon the generosity of Congress to grant an extension of the time for filing the assent.

"Inasmuch as the time for the completion of the first twenty miles of the road has already been enlarged, there can be no reasonable doubt but that such extension will

be made if the Legislature shall take proper steps to designate a company to receive the grant, it being evidently the desire of Congress to secure the completion of the road.

"But it must be obvious that unless some company be designated, Congress will decline further action in the premises, for if the Legislature of Oregon, with whom that duty lies, be unable to decide between rival companies, organized under her own laws, Congress can hardly be expected to undertake the duty, and the benefits of the Act may be altogether lost to Oregon.

"There are two rival companies asking the favorable action of this Legislature, and as the Act granting the lands requires the completion of the first twenty miles of road by the month of July, 1870, it is perhaps pertinent to this report to state such facts concerning the resources and prospects of said companies as have come to the knowledge of your committee, as will indicate which is most likely to comply with this requirement.

"The Oregon Central Railroad Company (East Side) exhibited to the members of your committee the written undertaking of Ben Holladay & Company, wherein said Holladay & Company undertake to construct and equip a railroad from Portland, in Oregon, to the southern boundary of the state, for the said Oregon Central Railroad Company, and to take as a security from such company certain mortgages upon the

road. These contractors, in pursuance with said contract, have graded said road, with some few interruptions, from Portland southerly for a distance of about twenty-five miles, and are vigorously engaged in prosecuting the work.

"The Oregon Central Railroad (West Side) have graded, with some interruptions and through a mountainous country, about three and one-half miles, and are likewise pushing the work forward with energy. The company propose to construct their road with means entirely their own, and have laid before your committee a statement of the resources and prospects which they represent as wholly adequate for the work. These statements consist in part of a letter read before your committee, the substance of which we respectfully beg leave to submit. This letter is signed by R. R. Thompson, S. C. Reed, L. F. Cartee, J. C. Ainsworth, Goldsmith Bros., W. S. Ladd and C. H. Carter, and represents that a proposition from a responsible party in San Francisco, who has recently been over the road, has been received to the effect that when the company shall grade and furnish ties for forty-four miles of road, he will take a contract to build and equip the road for this distance, and take in payment the company's first mortgage bonds; that they have still further assurance from wealthy and reliable parties in San Francisco that 'when ever we say that everything is all right,' they are willing to join us and help build the road. A letter was also read before your committee, from one Edwin Russell,

now in London, stating that he (Russell) had employed an agent to make certain efforts for the disposal of 500,000 of the company's bonds, and that in the event said agent succeeded in effecting a sale, he was to receive as compensation for his services 5000 Pounds, that such compensation was more than he (Russell) had been authorized to make, but that he could not induce his agent to undertake the business for any less sum.

"Upon the assurances contained in these letters, the Oregon Central Railroad Company (West Side) seemed to place great reliance.

"This company further represent that there is secured to them, to aid in the construction of a road, the interest on $250,000 at 7 per cent by the City of Portland; interest on $750,000 by Yamhill County, and interest on $50,000 by Washington County. In addition to the foregoing, it was stated before your committee by a gentleman there present, that he believed he could obtain from Yamhill County the means of grading the road and building the bridges through that county.

"But means of a more substantial, and, to your committee, satisfactory nature are represented to be in the possession of said company, to-wit: About $40,000 in land and labor subscribed in the counties of Yamhill and Washington; 3 or 4 hundred dollars cash in hand, 200 barrels of flour, and 500 bushels of oats.

"Distinguished capitalists of the City of Portland

deeply in the interests of this company, were before your committee and represented that themselves and associates were possessed of individual means sufficient to greatly prosecute the work on this road; and, on inquiry, informed your committee that they had already subscribed to this important enterprise to the extent of $500 each, with the exception of one person, the President of the company, whose subscriptions amounted to one-half of the entire capital stock, $2,500,000, in said company. It may be proper, however, to state that this officer expressed a willingness to dispose of a portion of stock when purchasers can be found therefor.

"Your committee conclude that the available assets of what is known as the West Side Company, do not extend to $40,000, and that this sum is wholly inadequate to the construction of a railroad within the requirements of the Act of Congress, and that no reasonable hope of the construction of a road by this company can be entertained.

"We therefore recommend some such action upon the part of this House as shall designate what is known as the East Side Company to receive the grant of Congress—your committee are fully convinced that such action will best subserve the interest of the people by securing to them the early construction of a railroad through the rich valleys of the Willamette, Umpqua and Rogue River—a road that shall develop in a few years to come the wonderful resources of these valleys and open them to the doors of a generous commerce.

"All of which is respectfully submitted.

C. B. Bellinger,

Chairman of Railroad Committee

J. L. Louden.

Prior to the passage of the resolution of the Oregon Legislature of October 17, 1868, the "West Side" company, and the "East Side" company had begun the work of construction of a railroad, the "West Side" company on April 15, 1867, *west* of the Willamette River, and the "East Side" company on April 16, 1868, on the *east side* of the Willamette River. (See Daily "Oregonian," April 16, 1867, for west side, and of April 17, 1868, for east side.)

Subsequent to the passage of the resolution of October 17, 1868, there was much litigation in the Oregon courts between the rival "East Side" and "West Side" companies. Suit was brought by the Oregon Central Railroad Company "West Side" against the Oregon Central Railroad Company "East Side" in the Circuit Court for Marion County, Oregon, in the latter part of 1868, to restrain the "East Side" company from using the name "Oregon Central Railroad Company." Apparently that question was not decided in this suit.

On February 9, 1869, suit was brought in the United States Circuit Court for the District of Oregon by James B. Newby against Oregon Central Railroad Company, et al, "East Side" to enjoin defendants from using said title, "Oregon Central *Railway* Company," and from

using bonds bearing said name. The court decided that a suit to enjoin the use of a corporate name the corporation whose name is alleged to be wrongfully used must be a party plaintiff or defendant. (See Deady's Reports, U. S. Cir. Ct. 1860-1870, p. 609.)

The most important litigation, however, was the suit brought November 5, 1869, by S. G. Elliott against Ben Holladay, and others, for dissolution and settlement of partnership. Appeal was taken to the Supreme Court of Oregon, but no decision was rendered by that court until July, 1879.

This suit involved the question of the legality of organization of the Oregon Central Railroad Company, "East Side." The Oregon statute required that one-half the capital sctock of corporations should be subscribed before directors could be elected and organization completed. The capital stock of the Oregon Central Railroad Company *"East Side"* was $7,250,000. Number of shares of capital stock, 72,500. Six persons subscribed one share each, and one person made subscription in behalf of the corporation in the following words:

"Oregon Central Railroad Company, by G. L. Woods, Chairman, 70,000 shares, $7,000,000."

The Supreme Court of Oregon held that subscription by G. L. Woods, on behalf of the corporation, was invalid, and that those who had subscribed six shares could not legally elect a board and organize a corporation, and that the board elected by them could not lawfully transact business. (8 Oregon Reports, page 85.)

The result of this litigation was evidently foreshadowed by the decision of the lower Court, for without waiting for a decision on appeal by the Supreme Court, the persons representing the principal interests in the Oregon Central Railroad Company "East Side," organized the *Oregon & California Railroad Company,"* which was incorporated March 17, 1870.

The *Oregon Central Railroad Company* "East Side" made conveyance of all its property, including the land grant, on *March* 29, 1870, to the *Oregon & California Railroad Company.*

The Oregon Central Railroad Company "West Side" conveyed its land grant and all other properties to the *Oregon & California Railroad Company, October* 6, 1880.

(NOTE.—No patents were ever issued by the United States for any lands in either grant to either the Oregon Central Railroad Company "East Side" or Oregon Central Railroad Company "West Side," but all patents have issued to the Oregon & California Railroad Company.)

LIST OF AUTHORITIES FOR THE FOREGOING FACTS.

1. Inside History Oregon Central Railroad Company, by Joseph Gaston. This pamphlet authorized by board of directors of said company, published in Portland, Oregon, , 1869.

2. Personal interviews with Joseph Gaston, now living in Portland, Oregon.

3. Personal interviews with George H. Himes, who is familiar with facts above given, and is Assistant Secretary of Oregon Historical Society.

4. Deposition of Simon G. Elliott in re Ben Holladay, et al vs. Simon G. Elliott, Circuit Court, Multnomah County, State of Oregon.

5. Quarterly of the Oregon Historical Society, for December, 1902, and June, 1906.

6. "History of the Willamette Valley," by Lang.

7. "Laws and Documents affecting Oregon Central Railroad Company and Oregon & California Railroad Company."

8. Issues "Daily Oregonian," Portland, Oregon, published during period under discussion.

9. Reported cases, Oregon courts.

10. Files of the Counties of Multnomah and Marion, Oregon, and records of the Secretary of State, Oregon.

ASSENT TO TERMS OF ORIGINAL GRANTING ACT OF JULY 25, 1866.

Assent of Oregon Central Railroad Company. "West Side."

By Section 6 of the Act of Congress of July 25, 1866, it is provided that the company proposing to build the

railroad and earn the grant contemplated by said Act, should file its assent within one year from the date of said Act.

By Section 8 of said Act it is provided that failure to file such assent within said time should render the whole Act null and void.

On March 22, 1867, Joseph Gaston, as Secretary of the Oregon Central Railroad Company, "West Side," transmitted to the Secretary of the Interior, (received at Department of the Interior, May 14, 1867), certified copy of joint resolution of the Oregon Legislature of October 10, 1866, designating the Oregon Central Railroad Company, "West Side," as the company entitled to earn the grant; also enclosing assent of the incorporators of said company dated January 1, 1867, to each and all of the provisions of the Act of July 25, 1866.

On May 14, 1867, the Secretary of the Interior acknowledged receipt of the above papers, and advised Joseph Gaston that the assent must be given by the board of directors of said company.

On May 30, 1867, Joseph Gaston, as president of the Oregon Central Railroad Company, "West Side" (received at the Department July 6, 1867), sent to the Secretary of the Interior, copy of resolution of the board of directors of said company, adopted at a meeting held May 28, 1867, assenting to the provisions of the Act of July 25, 1866.

On July 6, 1867, Acting Secretary of the Interior Otto acknowledged receipt of the above resolution, and also of a copy of the joint resolution of the Oregon Legislature of October 10, 1866, and states that these papers have been placed on file.

On June 12, 1867, Joseph Gaston, as president of the Oregon Central Railroad Company, "West Side," sent to the Secretary of the Interior certified copies of the joint resolution of the Oregon Legislature of October 10, 1866, designating said company as the one to receive the grant, and also of the resolution of the board of directors of said company of May 25, 1867, assenting to the provisions of the Act of July 25, 1866.

On July 23, 1867, the Secretary of the Interior, in acknowledgment of above papers, said "that under date of the 6th inst. you were advised of the receipt by this department of your letter of May 30th last, and its enclosures, included among which were certified copies of the resolutions before mentioned."

On May 25, 1868, J. Gaston, as president of the Oregon Central Railroad Company, "West Side," transmits to Secretary of Interior (received at Department July 1, 1868), map of survey and location of the first sixty miles of the Oregon Central Railroad Company, "West Side," under Act of July 25, 1866. July 8, 1868, Secretary of the Interior returned map to Gaston because not verifed as required by law, and requires various things to be done.

On August 6, 1868, J. Gaston, as president of the

Oregon Central Railroad Company, "West Side," Portland, Oregon, writes Secretary of the Interior (received at Department, September 16, 1868), acknowledging receipt of the Secretary's letter of July 8, 1868, and encloses a map designating general route through the State of Oregon, and says that other maps will be forwarded in a few days. (No action appears to have been taken on this letter of Gaston's.)

On September 4, 1868, J. Gaston, president, Oregon Central Railroad Company, "West Side," Portland, Oregon, transmits to Secretary of the Interior (received at Department September 22, 1868), map of location of first sixty miles of Oregon Central Railroad; also encloses true copy of general corporation laws of the State of Oregon. (Apparently no reply was made to this letter of Mr. Gaston's.)

On September 5, 1868, J. Gaston, President, Oregon Central Railroad Company, "West Side," writes Secretary of the Interior (received at Department September 24, 1868), transmitting copy of map of first sixty miles of said company. No reply was made to above letter, but the map was sent November 22, 1871, to the General Land Office.

On January 1, 1869, S. G. Reed, of Boston, Mass., writes the Secretary of the Interior (received at the Department January 4, 1869), asking at request of J. Gaston, President of the Oregon Central Railroad Company, "West Side," if maps of said company have been received and filed.

January 6, 1869 (V. 1, p. 224), the Secretary of the Interior replied that maps had been received, but no action taken because since their receipt the Secretary of the Interior has received certified copy of resolution of the Oregon Legislature, by which the grant of lands is transferred to a corporation organized at Salem on April 22, 1867, under the name of the "Oregon Central Railroad Company," and which is supposed to be a different company from that represented by Mr. Gaston.

In pursuance of the foregoing the Oregon Central Railroad Company, "West Side," had proceeded with construction work, and as near as we can now ascertain actually completed about three miles of road west of the Willamette River in its attempt to earn the grant under the Act of July 25, 1866; but it appears to have made no further attempt at construction to earn the grant of July 25, 1866, and the road which it subsequently built from Portland to McMinnville was in pursuance of the granting Act of May 4, 1870.

Assent by the Oregon Central Railroad Company—"East Side."

On July 16, 1868, A. M. Loryea, in behalf of the Oregon Central Railroad Company, "East Side," sent the following letter to the Secretary of the Interior:

"Washington, July 16, 1868.

Hon. O. H. Browning,
Secretary of the Interior,
Sir:—

I desire to notify you that the Oregon Central Rail-

road Company, of which Gaston represents himself as president, is an illegal organization.

The organization of the same name of which I. R. Moores is President, and myself Vice-President, was made in conformity to the laws of the State of Oregon. In connection herewith I desire to call your attention to the enclosed paper and ask that it may be filed as an acceptance of the lands granted by Congress for such purpose.

Very respectfully, Your obedient servant,

A. M. Loryea."

"Office of the Oregon Central Railroad Company.

Salem, April 30, 1868.

This is to certify that at a regular meeting of the Board of Directors of "The Oregon Central Railroad Company," held at the office of the company, Salem, April 29th, A. D., 1868, the following was passed as the unanimous action of said Board of Directors:

" 'Resolved, That *"The Oregon Central Railroad Company"* hereby accepts any grants of lands which may have been made, or may be extended to said company and our agent, A. M. Loryea, is fully empowered to present a duly certified copy of this resolution to the proper authorities as provided by law to be filed.

Witness my hand and the seal of said corporation this the day and year above written.

S. A. Clark,

Secretary, O. C. R. R. Co.' "

On July 17, 1868, the Secretary of the Interior delivered to A. M. Loryea the following letter:

"DEPARTMENT OF THE INTERIOR.

Washington, D. C., July 17, 1868.

Sir:—I have received your letter of the 16th instant, and accompanying paper, purporting to be an acceptance by the Oregon Central Railroad Company of the grant made by the Act of July 25, 1866.

By law the company was required to file an 'assent' to its terms and conditions, within one year. That time expired July 25, 1867, and this paper, if sufficient for that purpose, could not now be received.

I state for your information that J. Gaston, President of the Oregon Central Railroad Company, within the time provided in that Act, filed an assent, which was received.

In compliance with your request I enclose a copy of my letter of the 8th instant to Mr. Gaston in regard to maps to be filed in this Department.

Very respectfully,

Your obd. Servant,

O. H. Browning,

Secretary.

A. M. Loryea, Esq.,

Present."

Attention is called to the fact hereinabove referred to that the Oregon Central Railroad Company—*"East Side"*—had commenced construction of the road east of the Willamette River on April 16, 1868, and was proceeding with the work of construction in accordance with the provisions of the Act of July 25, 1866, at the time it attempted to file its assent on July 16, 1868, as shown by the foregoing correspondence.

The Secretary of the Interior having refused to accept or file the assent of the *"East Side"* company, as shown above, steps were taken to secure authority from Congress for said *"East Side"* company the right to file an assent and be relieved from its default in that behalf. The facts presented to Congress and the attitude of the Secretary of the Interior in the premises are fully set forth in the statement of Hon. George H. Williams, United States Senator, and the letter of the Secretary of the Interior, following:

Report No. 3, 41st *Congress,* 1st *Session."*

IN THE SENATE OF THE UNITED STATES,

March 22, 1869.

Mr. Williams made the following report (to accompany Bill S. No. 94).

"The Committee on Public Lands, to whom was referred a bill entitled, "A bill to amend an act entitled 'An Act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific

Railroad, in California, to Portland, in Oregon', approved July 25, 1866," respectfully report:

That on the 25th day of July, 1866, Congress passed an act granting lands to aid in the construction of a railroad and telegraph line through the State of Oregon, in which it is provided that the lands shall go "to such company organized under the laws of Oregon as the Legislature of said State shall hereafter designate."

On the 10th of October, 1866, the Legislature of Oregon adopted the following House joint resolution:

> "Whereas, the Congress of the United States at its last session, passed an Act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad in California, to Portland, Oregon, and made it the duty of the Legislative Assembly of the State of Oregon to designate the company organized under the laws of Oregon, which shall receive that part of said grant lying within the State of Oregon; Therefore,
>
> Be it resolved by the House (the Senate concurring), That the Oregon Central Railroad Company, a company organized under the general incorporation law of Oregon, be, and the same is hereby, designated as the company which shall be entitled to receive the land granted, and all the benefits of an Act of Congress, approved July 25, 1866, entitled "An Act granting land to aid in the construction of a railroad and telegraph in from the Central Pacific Railroad, in California, to Port-

land, Oregon," so far as said land grant applies to the State of Oregon."

On the 20th of October, A. D., 1868, the Legislature of the state adopted the following Senate joint resolution:

> Whereas, The Congress of the United States, by an Act approved July 25, 1866, entitled 'An Act to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad to Portland, Oregon,' did grant certain lands in the State of Oregon, and confer certain benefits and privileges upon such company organized under the laws of Oregon as the Legislature of such state should thereafter designate; and
>
> "Whereas, the Legislative Assembly of Oregon, at its fourth regular session, did adopt a joint resolution known as House Joint Resolution No. 13, designating in terms the Oregon Central Railroad Company as the company entitled to receive the land granted by, and all the benefits and privileges of the said Act of Congress; and
>
> "Whereas, at the time of the adoption of the said joint resolution, as aforesaid, no such company as the Oregon Central Railroad Company was organized or in existence, and the said joint resolution was adopted under a misapprehension of facts as to the organization and existence of such a company; and

"Whereas, the designation of the company to receive the lands in the State of Oregon granted, and the benefits and privileges conferred by the said Act of Congress, yet remains to be made; therefore be it

"Resolved by the Senate (the House concurring), That the Oregon Central Railroad Company, a corporation organized at Salem on the twenty-second day of April, in the year one thousand eight hundred and sixty-seven, under and pursuant to the laws of the State of Oregon, be, and the same is, hereby designated as the company entitled to receive the lands in Oregon, and the benefits and privileges conferred by said Act of Congress."

Different railroad companies are described in these resolutions, though both are described by the same name.

One, the company described in the first resolution, is a railroad company whose articles of incorporation were filed on the 21st of November, 1866, and whose line of road is located on the west side of the Willamette River, and may, therefore, for convenience, be denominated the "West Side Company."

The company described in the second resolution is one whose articles of incorporation were filed on the 22d day of April, 1867, and whose line of road is located on the east side of the Willamette River, and may, therefore, be denominated the "East Side Company."

Both of these companies are contending for the

grant.

Section Six, of the said Act of Congress, provides that the company designated by the Legislature shall file its assent to the grant within one year from the passage of the Act.

The West Side Company filed its assent within the required time, and if it was designated according to the Act of Congress, there seems to be no necessity for any further legislation upon the subject.

Bearing upon this point, however, is a correspondence, of which the following is a copy:

> Senate Chamber, Washington, January 19, 1869.
>
> Sir: I respectfully invite your attention to Section 1, of an Act entitled "An Act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon, approved July 25, 1866," providing for the disposition of the lands granted by the said Act in the State of Oregon.
>
> Enclosed please find a pamphlet, entitled 'Statement of Facts,' which fully sets forth the rights and claims of a company designated by the Legislature of said State in October, A. D. 1868, commonly called the "East Side Company."
>
> Enclosed also please find a paper, signed by nine members of the Oregon Senate, protesting against the action of said Legislature in October, A. D. 1868, in which the rights and claims of a

company designated in October, 1866, commonly called the "West Side Company," are fully stated.

I have nothing to say as to the rights or claims of either company, but in view of the fact that the articles of incorporation of the West Side Company were not filed in the office of the Secretary of State until after its designation by the Legislature in 1866, and in view also of the fact that the East Side Company cannot file its assent as required by the Sixth Section of said Act, I am apprehensive that the benefits of said Act will be wholly lost to the State, unless something is done to prevent it. Will you be good enough to advise me if there is anything in the action of your department, or the views you entertain of this matter, making unnecessary the proposed legislation?

Geo. H. Williams,

Hon. O. H. Browning,

Secretary Interior, Washington, D. C.

Department of the Interior

Washington, D. C., January 20, 1869.

Sir: I have received your letter of the 19th instant, and the accompanying copy of Senate Bill 776, to amend "An Act granting lands to aid in the construction of a railroad and telegraph line from the Central Pacific Railroad, in California, to Portland, in Oregon, approved July 25, 1866," with other papers relating to the subject.

Said Act of 1866 required the Legislature of Oregon to designate a company, organized under the laws of the State, to locate and construct so much of said road as was in Oregon, and that the company so designated should file its "assent" to the Act of Congress within one year after its passage.

By a resolution adopted by the Legislature, October 10, 1866, the Oregon Central Railroad Company was designated to locate and construct said road in Oregon. Two companies, called the "Oregon Central Railroad Company," claim to have been so designated. These, it appears, are locally called the "East Side Company" and the "West Side Company."

At the date of the adoption of said resolution by the Legislature, neither company had been organized as required by the laws of Oregon. The West Side Company, however, filed its assent in this Department within the year.

By a resolution adopted by the Legislature in October, 1868, the East Side Company was designated. The purpose of the bill, as understood, is to authorize this company to file its "assent" without prejudice to the rights or interests of the other company, and you ask for an expression of my views as to whether there is any necessity for the proposed legislation.

In reply, I have the honor to state that, as the

matter now stands, *the grant, so far as the portion of road in Oregon is concerned, has lapsed,* while the grant for that portion of the road situate in California is still in force, and some legislation by Congress is necessary to revive the grant for the Oregon portion of the road.

The proposed bill, if it becomes a law, will, in my opinion, accomplish that purpose.

On the 18th instant I declined to act upon maps filed by the West Side Company, "in the absence of a judicial decision as to the rights of the claimants, or some action by Congress upon the subject." I enclose a copy of said letter.

The papers which accompanied your letter are herewith returned.

I am, sir, very respectfully, your obedient servant, O. H. Browning, Secretary.

Hon. Geo. H. Williams,

United States Senate.

Department of the Interior,

Washington, D. C., January 13, 1869.

Sir: I have received your letter of the 11th instant, asking that certain maps, filed by J. Gaston, Esq., under the Act approved July 25, 1866, as showing the location of the railroad from Portland, in Oregon, to the northern line of the State of California, may be accepted by this department.

In reply, I have to state that, as there are two companies of the same name claiming, under the laws of the State of Oregon, the benefit of the grant made by said Act of July 25, 1866, I must decline, in the absence of a judicial decision as to the rights of the claimants, or some action by Congress upon the subject, to comply with your request.

Very respectfully, your obedient servant,

O. H. BROWNING, Secretary.

S. G. Reed, Esq.,

Care Hon. H. W. Corbett, United States Senate.

Looking at the above decision of the Secretary of the Interior, and the action of the Oregon Legislature in 1868, taken upon evidence submitted and arguments made by the respective companies, it is evident that the State of Oregon is in great danger, at least, of losing the grant altogether, without some legislation in effect reviving it.

Congress ought not to decide between the two companies, because the questions involved are judicial in their nature, and the object of the accompanying bill is to provide so that both companies may have a standing in the courts of Oregon, and there have their legal rights and equities fully examined and adjudicated.

To declare by Act of Congress that the East Side Company shall have the grant would be unfair, for it

may turn out upon investigation before the courts that the West Side Company was legally designated in 1866, in which event that company, for aught that can now be seen, would be entitled to the land.

To declare by Act of Congress that the West Side Company shall have the grant would be equally unfair, for it appears that the East Side Company was organized and made large expenditures upon the ground that the other company was never legally designated, and it ought to have the benefits and advantages of the law in accordance with which it was organized and invested its money.

It has been suggested that the proposed legislation is unfavorable to the West Side Company, but the bill has been framed so as to obviate that objection so far as practicable.

If the West Side Company was legally designated in 1866, and it has since done what the Act of Congress requires, it has a vested right to the grant, which the bill, if it becomes a law, will not and cannot disturb; but it is unreasonable to insist that because that company has failed to secure the grant, the state ought therefore to lose it.

Both companies claim, and it may be that both have been designated by the Legislature, and if both are allowed to file their assent, as required by the Sixth Section of the Act of Congress, it is made certain not only that one of the companies will get the grant, but that it

will be used for railroad purposes, in which the state has more interest than in the fortunes of either company.

Reciprocal charges of fraud and irregularity in the formation of the companies have been made, but your committee propose to refer these, with all questions growing out of the legal rights and equities of the parties, to the courts of Oregon, and the accompanying bill, the passage of which they recommend, is only intended to protect the interests of the state and provide a judicial settlement of the controversy between the two companies.

As a result of the foregoing the Act of Congress of April 10, 1869, was passed, and which contains the provision that "the lands granted by the Act aforesaid (Act of July 25, 1866) shall be sold to actual settlers only in quantities not greater than one quarter section to one purchaser, and for a price not exceeding two dollars and fifty cents per acre."

On April 12, 1869, John H. Mitchell, attorney for the Oregon Central Railroad Company. "East Side," wrote the Secretary of the Interior (received at the Department April 12, 1869) that he wishes no action taken until the company, "East Side," can file "assent" under Act approved April 10, 1869. Also enclosing printed statement of facts relative to incorporation and organization of the Oregon Central Railroad Company of Salem, "East Side," incorporated April 22, 1867; also enclosing copy of Senate Joint Resolution No. 16, Oregon Legislature, designating the "East Side" company

as entitled to receive the grant conferred by the Act of July 25, 1866.

On June 24, 1869, Acting Secretary of the Interior Otto wrote to Geo. E. Cole, Secretary of the Oregon Central Railroad Company, "East Side," acknowledging his, Cole's, letter of June 9, 1869, accompanied by certified copy of resolution of Oregon Central Railroad Company, "East Side," incorporated at Salem, Oregon, April 22, 1867, assenting to the terms of the Act of July 25, 1866; as authorized by Act of April 10, 1869.

NOTE:—This assent cannot now be found in the files of the Department of the Interior.

The following are extracts from the corporate records of the Oregon Central Railroad Company, "East Side," with reference to filing assent last above referred to:

April 29, 1868:

Resolved, The Oregon Central Railroad Company hereby accepts any grant of land which may have been made and may be extended to said company. (Page 67, Book I, Corporate Records.)

June 9, 1868:

Resolved, To accept any land grant which may have been made or extended to this company and proper officers authorized to, file a copy with the Secretary of the Interior, Washington, D. C. (Page 72, Corporate Records.)

November 26, 1868:

The Corporate Records show that there was an apparent effort made to get an assent filed to the Act of July 25, 1866; for the records show that the company intended to acquaint the Secretary of the Interior with the fact that this company was designated by the Oregon Legislature October 20, 1868, as the company to receive the grant and as the Act of July 25, 1866, required the assent within one year, and it was necessary for the Legislature to designate a company, the failure to designate, as shown by the resolution of the Legislature of October 20, 1868, made it impossible for the company to comply with this provision; Therefore on the above date, it was resolved to file assent to said Act. (Page 100, Corporate Records.)

June 8, 1869:

Resolved, To accept provisions of the Act of July 25, 1866, and forward same to Secretary of Interior. (Page 137-8, Corporate Records.)

(This resolution apparently does not take into account act of April 10, 1869, which extended time for filing assent and completing first twenty miles of road.)

Sept. 7, 1869:

The Corporate Record shows a letter was read at the meeting from the Secretary of the Interior acknowledging receipt of assent and that same was filed. (Page 149, Corporate Records.)

On November 4, 1869, the Commissioner of the General Land Office transmitted to the Secretary of the Interior a map of the Oregon Central Railroad Company, "East Side," which was filed by W. L. Halsey, on October 29, 1869, pursuant to Act of July 25, 1866, and asks to be advised as to the withdrawal of the lands.

January 29, 1870, the Secretary of the Interior returned to Commissioner of the General Land Office map received with his letter of November 4, 1869, approved, and directed withdrawal of land. This map shows definite location of Oregon Central Railroad to Jefferson, on the Santiam River, 71 miles.

(Note on Record, Vol. 1, p. 282, of letters of Secretary of the Interior, appointing Commissioners to examine section of road constructed by the Oregon Central Railroad Company, Act of July 25, 1866, reads as follows:

"Note:—This company was, on the 20th October, 1868, designated by the Oregon Legislature as the company to receive the grant of lands made by Act of July 25, 1866, and its amendments."

On March 26, 1870, C. Temple Emmet, of Washington, D. C., wrote the Secretary of the Interior (received at the Department March 26, 1870), transmitting a map of survey of Oregon Central Railroad Company, "East Side," from Santiam River to the south line of Township 18 South, Range 8 West, Willamette Meridian, and from the last mentioned point to the

south line of Township 27 South, Range 6 West, W. M., under Act of July 25, 1866, and amendatory Acts.

March 29, 1870, the above described maps were acknowledged by the Secretary of the Interior and sent to the Commissioner of the General Land Office with instructions to withdraw lands.

SALE AND TRANSFER BY THE OREGON CENTRAL RAILROAD COMPANY, "EAST SIDE,"

to

OREGON & CALIFORNIA RAILROAD COMPANY.

The Oregon & California Railroad Company was incorporated under the laws of the State of Oregon March 17, 1870. The following is a copy of its articles of incorporation:

ARTICLES OF INCORPORATION

of the

OREGON AND CALIFORNIA RAILROAD COMPANY.

Know all men by these presents, That we, the undersigned corporators, Ben Holladay, of New York, and Cicero H. Lewis, I. R. Moores, J. C. Hawthorne and

Medorem Crawford, of the State of Oregon, do, by these presents, associate ourselves together as a corporation and body politic under and by virtue of the General Incorporation Law of the State of Oregon, approved October 14, A. D. 1862, and amendments thereto, and for such purpose we do jointly and severally hereby agree to and with each other to the following articles:

ARTICLE I.

The name assumed by this corporation, and by which it shall be known, is the "Oregon and California Railroad Company."

ARTICLE II.

The duration of this corporation shall be ninety-nine years.

ARTICLE III.

The enterprise, business, pursuit and occupation in which this corporation proposes to engage, is to construct a railroad and telegraph line, with all the necessary branches, side tracks, fixtures, buildings, depots, stations, and appurtenances from Portland, in the State of Oregon, and running thence southerly through the Willamette, Umpqua and Rogue River Valleys to the California line on the southerly boundary of Oregon, to connect with the railroad and telegraph line now being

constructed northerly through the State of Californ
by the "California and Oregon Railroad Company,"
ward the southern boundary of Oregon, and to p
chase, own, construct, hold, equip, operate and use
necessary ferries on the line of such road, over the W
lamette and other rivers, and over any river or riv
on either side of the line of such Railroad, which may
necessary or proper in crossing freight and passeng
to and from the said Railroad; to maintain the s
Railroad and Telegraph Line in good order, condit
and repair, and to operate the said Railroad and
ploy the same and the said Telegraph Line in the bu
ness of transporting passengers and freight and
United States mails, and for the purposes aforesaid,
purchase, take and receive of and from the "Oreg
Central Railroad Company," of Salem, Oregon,
corporated April 22, A. D., 1867, that portion of
Railroad and Telegraph Line now completed toget
with all the property, real, personal and mixed,
right of way of such last named corporation of what
ever name and nature, and all its rights and franchi
of every name and nature, both legal and equital
which the said last named corporation now has or ow
or to which it is in any way or manner entitled, or he
after may be entitled to—whether the same is absol
or contingent, and particularly and especially all
right, title, interest, franchise, claim and demand wh
the said "Oregon Central Railroad Company," of Sal
Oregon aforesaid, now has or is entitled to, and to wh
it may hereafter be entitled under and by virtue of

Act of Congress, entitled "An Act granting lands to aid in the construction of a Railroad and Telegraph Line from the Central Railroad, in California, to Portland, in Oregon," approved July 25, 1866, and of all amendments thereto. The purpose of this corporation being to make such portion of the Railroad and Telegraph Line of said "Oregon Central Railroad Company," which is now completed, a part of the line of Railroad and Telegraph which this corporation proposes to construct, as aforesaid, from Portland, Oregon, to the California line, and to construct and equip the whole line thereof from Portland, in Oregon, to said California line, in all respects in accordance with the Act of Congress hereinbefore referred to, and the amendments thereto, and for the purpose of receiving all the benefits of such Act of Congress and amendments thereto, intended to be conferred thereby on the Oregon Company, and for the purpose of complying with all the provisions of such Act.

ARTICLE IV.

The principal office for the transaction of the business of this corporation shall be kept in the City of Portland, Multnomah County, State of Oregon.

ARTICLE V.

The amount of the capital stock of this corporation is hereby fixed at Twenty Million Dollars ($20,000,000).

ARTICLE VI.

The amount of each share of such capital stock is hereby fixed at One Hundred Dollars.

In Testimony whereof and of our adoption of the foregoing Articles of Incorporation, we, the undersigned corporators, have hereunto set our hands and seals this sixteenth (16th) day of March, A. D. One Thousand Eight Hundred and Seventy (1870) in triplicate.

BEN HOLLADAY, (L. S.)
CICERO H. LEWIS (L. S.)
I. R. MOORES, .. (L. S.)
J. C. HAWTHORNE, (L. S.)
MEDOREM CRAWFORD. (L. S.)

State of Oregon,)
County of Multnomah,) ss

Be it remembered that on this 16th day of March, A. D. 1870, personally appeared before me, the undersigned, a Notary Public, in and for the County and State aforesaid, the above named corporators, Ben Holladay, Cicero H. Lewis, I. R. Moores, J. C. Hawthorne and Medorem Crawford, all to me personally known as being the persons named in, and who, as corporators made and subscribed the foregoing Articles of Incorporation, and severally acknowledged to me that they and each of them executed the foregoing Articles of Incorporation freely and voluntarily and for the uses and purposes therein specified.

Witness my hand and official seal, the day and year in this certificate first above written.

GEO. W. MURRAY,

(L. S.) Notary Public.

By deed, dated March 29, 1870, the Oregon Central Railroad Company, "East Side," conveyed and transferred all of its property, including its right, title and interest in and to the land grant, to the *Oregon and California Railroad Company.*

April 9, 1870, Geo. E. Cole, Secretary Oregon Central Railroad Company, "East Side," wrote Secretary of Interior (received at Department April 28, 1870), enclosing copy of resolution of Board of Directors of said company of March 29, 1870, that said company has sold and conveyed to the Oregon & California Railroad Company all its rights and interests in and to the lands, franchises and benefits granted to the Oregon Central Railroad Company, "East Side," by Act of Congress July 25, 1866, and amendments thereto; also transmitting copy of deed executed at Salem, Oregon, March 29, 1870, as aforesaid. Also copy of resolution of Board of Directors of the *Oregon & California Railroad Company* adopted April 4, 1870, accepting the grant by Act of July 25, 1866, and directing that copy thereof with deed be filed in office of Secretary of Interior.

May 7, 1870, Secretary of Interior wrote Geo. E. Cole, Secretary of the Oregon Central Railroad Company, "East Side," acknowledging receipt of Cole's letter, enclosing certified copy of resolution of Board of

Directors of Oregon Central Railroad Company, "East Side," and of the deed of assignment of all the rights, interests, etc., of said company to the Oregon and California Railroad Company.

May 7, 1870, the Secretary of the Interior wrote the Commissioner of the General Land Office that evidence has been filed in the Department of Interior by Geo. E. Cole, Secretary of the Oregon Central Railroad Company, of Salem, Oregon, "East Side," that said company has sold, and transferred all of its rights, interests, etc., to the Oregon and California Railroad Company.

On July 6, 1870, Secretary of Interior issued his certificate under seal of the Department that maps of definite location of the Oregon Central Railroad Company from Portland to near Arlington, Oregon, had been filed and accepted by his department. That the first section of twenty miles, beginning at Portland and extending south for that distance, had been constructed and accepted; that satisfactory evidence had been filed in his department showing the transfer of all the rights, interests, etc., of said Oregon Central Railroad Company, "East Side," to the Oregon and California Railroad Company, and that the latter company had been recognized by his department as vested with all such rights and interests.

October 7, 1870, received at the Department of the Interior certificate dated Salem, Oregon, September 19, 1870, of I. R. Moores, President, and George E. Cole,

Secretary, that the Oregon Central Railroad Company, of Salem, Oregon (East Side), was dissolved according to the laws of Oregon, April 7, 1870, and no longer existed as a corporation.

LAND GRANT BY ACT OF CONGRESS OF MAY 4, 1870.

Everything heretofore stated in this report refers to the grant of lands made by Act of Congress, of July 25, 1866, and earned by the Oregon Central Railroad Company "East Side," and its successor in interest the Oregon and California Railroad Company.

The following facts relate only to the grant of lands under Act of Congress of May 4, 1870.

The grant here referred to is the grant applied for by the Oregon Central Railroad Company "West Side" after it had abandoned the effort to acquire the grant under the Act of July 25, 1866.

On August 2, 1870, Secretary of Interior wrote to J. Gaston, President Oregon Central Railroad Company, "West Side" acknowledging his letter of July 8, 1870, transmitting assent of said company to the provisions of the Act of May 4, 1870. The Secretary says that such assent may be accepted as sufficient compliance with the law provided it is shown to his satisfaction that the company represented by Gaston is the Oregon Central Railroad Company for whose benefit said grant was made.

October 13, 1870, Secretary of Interior wrote J. Gaston, Secretary of Oregon Central Railroad Company acknowledging his (Gaston's) letter of September 21, 1870 in reply to Secretary's letter of August 2, 1870 and says that the evidence then furnished that the Oregon Central Railroad Company represented by Gaston is the one referred to in the Act of May 4, 1870, is satisfactory, and that the assent is received as a full compliance with the requirements of the act.

May 26, 1871, Commissioner of General Land Office wrote Secretary of Interior transmitting map of Oregon Central Railroad Company from Portland, Oregon to Astoria and branch to McMinnville, Act of May 4, 1870, and asks authority to withdraw lands.

June 21, 1871, Secretary of Interior directs withdrawal of lands.

CONSTRUCTION OF THE RAILROAD.

Following the transactions and steps taken as set forth above, the *Oregon Central Railroad Company*—"East Side"—proceeded with the work of construction begun April 16, 1868, (and which was within the time limited by Act of July 25, 1866, for construction of first twenty miles, viz., two years, or until July 25, 1868,) and completed the first section twenty miles from Portland to Parrot Creek, in Section 28, township 3 south, range 1 east, Willamette Meridian, on December 24, 1869, (within the time limited by amending act of June 25, 1868, for completion thereof) and

the same was examined and reported upon December 31, 1869, by the commissioners appointed by the President of the United States for that purpose and their report approved and the section of the road accepted by President Grant January 29, 1870.

The *Oregon and California Railroad Company*, organized March 17, 1870, as the successor in interest under deed of transfer dated March 29, 1870, of the *Oregon Central Railroad Company*,—"East Side,"—continued the work of construction begun by the latter company, and completed the different sections of twenty miles each of the road from Portland south to near the California state line (except the first section of twenty miles completed by the "East Side" company, and the same were examined and reported upon by the commissioners appointed by the President for that purpose, and their reports approved and the sections of road accepted by the President at the times and in the manner following, viz:

	Miles	
2nd Sec.	20	From last named point to ½ mile south of Waconda. Commissioner's report dated September 28, 1870.
		Accepted by President Grant, Feb. 28, 1871.
3rd & 4th	20 (3)	From last named point to 8 miles south of Salem. Commissioner's report Sept. 28, 1870.

	Miles	
	20 (4)	From last named point to ½ mile south of Albany. Commissioner's report dated December 10, 1870.
		Accepted by President Grant, Feb. 28, 1871.
5th Sec.	20	From last named point to Little Muddy Creek probably in T. 14 S., R 3 W. Commissioner's report August 11, 1871.
		Accepted by President Grant, March 11, 1872.
6th Sec.	20	From last named point to 2-½ miles N.W. of Eugene City—NW¼ Sec. 28, T. 17 S., R 4 W. Commissioner's report January 13, 1872.
		Accepted by President Grant, March 11, 1872.
7th, 8th, & 9th Sec.	77 456/556	From last named point to near Roseburg in SE ¼ Sec. 24, T 27 S, R. 6 W. Commissioner's report December 27, 1876.
		Accepted by President Hayes, July 11, 1878.

	Miles	
10th Sec.	45	From Sec. 24, T 27 S, R 6 W., to Sec. 19, T 30 S., R 7 W. Commsisioner's report August 6, 1883. Accepted by President Arthur, Aug. 29, 1883.
11th Sec.	100	From Sec. 19, T 30 S, R 7 W. (5 miles south of Roseburg) to 1-¼ miles south of Ashland (39 S., R 1 E) Commissioner's report January 3, 1887. Accepted by President Cleveland, Jan. 29, 1887.
12th Sec.	24.135	From SW ¼ Sec. 11, T 29 S, R 1 E California boundary. Commissioner's report April 18, 1889. Accepted by President Harrison, Nov. 8, 1889.
Total	366.691	miles

The line of railroad from Portland to McMinnville was completed by the Oregon Central Railroad Company—"West Side"—within the time required by the granting act of May 4, 1870,—six years from the date of said act,—and was approved and accepted by the United States; and, as before stated, said Company

conveyed all its property, including its title and interest in and to the land grant, by deed dated October 6, 1880 to the Oregon & California Railroad Company.

COST OF CONSTRUCTING RAILROAD TO EARN LAND GRANT.

The total cost of construction of the railroad now owned by the Oregon & California Railroad Company —Portland south to state line and Portland to McMinnville—including main line, branches and equipment to December 31, 1907, is $39,236,577.12. Owing to the loss of the general books of the company in the San Francisco fire of April 18, 1906, it is not possible at this time to segregate the cost of each.

In addition to the foregoing cost of construction and equipment, and as shown by the last annual report of the Southern Pacific Company (Lessee of the Oregon & California Railroad Company) and by the books of the Oregon & California Railroad Company, there was a *debit* balance as of that date to Profit and Loss account of $5,504,560.68, after taking into consideration a credit from sale of land grant lands of $2,275,671.18, and from interest on proceeds of sale of granted lands deposited with the Union Trust Company of New York, Trustee, amounting to $12,930.11.

In other words, the expense of operating the road and giving the public transportation service has ex-

ceeded the revenues and resulted in a loss of $7,793,-161.97; and it has cost the company altogether to furnish to the people of Oregon and the United States the lines of railroad transportation, for the building and equipping of which Congress offered as an inducement and contracted to give the land grant, $47,029,789.09.

The foregoing figures do not take into account the sums expended by the company for payment of taxes on land grant lands or expenses of administering the grant, caring for the lands and protecting the timber from fire, trespass and depredation. The following is a statement of receipts and expenditures account of land grant to December 31, 1907:

Receipts		$4,807,082.26
Expenses (exclusive of taxes)	$1,018,216.78	
Taxes paid	966,363.30	1,984,580.08

Since the foregoing statement was compiled the company has paid taxes for the year 1907 of $193,380.45, making the total expenses and taxes paid account of land grant $2,177,960.53.

The amount therefore which the company has been induced to expend in order to earn and acquire the grant is $49,853,691.72

and it has received financial benefit of... 2,822,502.18

leaving a net investment and expense above receipts for forty years of..... 47,031,119.54

Free transportation of the troops and property of the United States.

It will be noted that by section 5 of the Act of July 25, 1866, a further burden is imposed upon the grantee railroad company in providing for the free transportation forever of troops and property of the United States, thereby increasing the cost and expense to the company of earning the grant.

"Sec. 5—*And be it further enacted* That the grants aforesaid are made upon the condition that the said companies shall keep said railroad in repair and use * * * * and that the government shall at all times have the preference in the use of said railroad and telegraph therefor, at fair and reasonable rater of compensation, not to exceed the rates paid to private parties for the same kind of service.

And said railroad shall be and remain a public highway for the use of the government of the United States free of all toll or other charges upon the transportation of the property or troops of the United States. And the same shall be transported over said road at the cost, charge and expense of the corporations or companies owning or operating the same, when so required by the government of the United States."

This provision of the Act of July 25, 1866 has from the first been insisted upon and enforced by the United States, and literally complied with by the railroad com-

pany. Unfortunately for the purpose of this statement, and by reason of the total destruction of all books of account and records in the Auditor's office, in which the free transportation account of the Oregon & California Railroad Company with the United States was kept, it is impossible at this writing to give the exact amount of free service rendered to the United States since July 25, 1866, and the value thereof. The records of the Auditor's office for the year 1906-1907, subsequent to the fire of April 18, 1906, show troops carried, i.e. (officers and enlisted men) 9284,—value $148,-253.18; and tons of freight carried 8230—value of service $77,508.69. Total value of free service rendered for the year $220,761.87. The section of the act above referred to providing for the free transportation of government troops and property extends to and covers all government stores, such as supplies for Indian Agencies, supplies and stores for for the Navy Department, supplies, etc., for other branches of the government, such as the Interior Department. The service rendered by this line of road in former years was very large, and it is now estimated that the value of the service thus rendered since the passage of the act of July 25, 1866, is fully ten million dollars.

(An effort is now being made to get the data as to such service from the records thereof kept by the different departments of the government.)

On the basis of this estimate the total actual cost and expense to the grantee railroad company, which it has

incurred as a consideration for this land grant, is, therefore, $59,853,241.27, and from which it has received benefits (receipts from sale of land) of $2,822,502.18.

Although it was undoubtedly the design both of Congress and of the recipient companies that the land grants were to be conferred as benefits and aids to the building of the railroads, the known facts relating to the history of the grants from the beginning down to within quite recent years, show it to have been of practically no avail for that purpose.

Far from being an aid to the companies in financing the construction of the roads, the grants were and continued to be down to about the year 1895, a constant source of expense and drain upon the resources of the companies. It appears that the companies resorted to every possible expedient to make the land grants available as a means of securing credit and as an aid to the building of the roads, as will be evidenced by the numerous deeds of trust and other instruments of conveyance affecting land grant lands shown upon the county records of the State of Oregon, viz:

1. September 1869, Oregon Central Railroad Company to Josiah L. Parrish and Chester N. Terry, Trustees.

2. Release, Cunningham and Dolph to Oregon Central Railroad Company.

Note. This release is recorded June 28, 1881, and purports to be a release of deed of trust of

April 15, 1870. There is nothing to show how Cunningham and Dolph got title, or what were the terms of the trust.

3. Oregon & California Railroad Company to Latham, Atherton and Norris, Trustees, deed of trust.

4. Oregon & California Railroad Company and Latham, Atherton and Norris, Trustees, March 25, 1871, to the European & Oregon Land Company (sale of land grant.)

5. European and Oregon Land Company to the Oregon & California Railroad Company, and Latham, Atherton and Norris, July 25, 1874, (reconveyance of land grant.)

6. To Klass Von Otterendorp and Phillip Lillianthall, March 1, 1881.

7. To Villard, White and Bretherton, Trustees.

8. To Villard, Peebles and Bretherton, Trustees.

9. To Farmers' Loan & Trust Company, Trustee.

10. Lawrence Harrison et al. against Oregon & California Railroad Company, Farmers' Loan & Trust Company and Oregon Transcontinental Company, January 19, 1885, application for appointment of receiver.

11. January 19, 1885, R. Koehler appointed receiver.

12. November 28, 1888, Receiver discharged. (No sale of property under receivership.)

13, To Union Trust Company of New York, Trustee, deed of trust, July 12, 1887.

14. Oregon Central Railroad Company of Portland (West Side) to The Willamette Valley Railway Company, August 15, 1870. (Sale of railroad and land grant.)

15. The Willamette Valley Railroad Company to the Oregon Central Railroad Company—West Side—, April 17, 1871. (Reconveyance of railroad and land grant.)

The availability of the land grants for the purpose designed by Congress, viz: to aid in construction, etc., of a railroad, is clearly shown by the agreement of conveyance joined in by the Oregon & California Railroad Company and Latham, Atherton and Morris, Trustees, dated March 28, 1871, which covenants to convey the entire land grant to the European and Oregon Land Company, as fast as patents may issue, at the agreed price of $1.25 per acre.

It was expected that the railroad company would thus be relieved of a useless burden. The failure of this plan and the unsalability of the lands in the grant is further emphasized by the reconveyance, July 25, 1874, by the European and Oregon Land Company of all the lands in the grant except 4,072.98 acres, which represented the entire sales made by the latter company during the three and more years it held the grant.

RAILROAD COMPANY'S RECOGNITION OF PROVISION IN ACT OF APRIL 10, 1869.

The charge has been made that up to the time when timber land began to be valuable, the Oregon & California Railroad Company recognized the provision of the amending act of April 10, 1869, and made sales only to actual settlers in tracts of 160 acres or less. The county records of Oregon are evidence of the fact that the company in making sales of its lands never recognized that provision at all.

The only basis for such statement that we have been able to find is contained in a joint advertisement of the Oregon and California Railroad Company and the European and Oregon Land Company, which appeared at frequent intervals in the Daily Oregonian of Portland between August 12, 1871 and September 11, 1872, —photographic copy of which, duly verified, is herewith transmitted for your information. This advertisement clearly shows that it was the expectation and intention of the railroad company to get as many settlers on the railroad lands as possible. It was an attempt to get settlers and as such it failed. The company invited persons to settle upon these lands in advance of patent. The only apparent recognition of the limitations of the act of April 19, 1869, which we have been able to discover anywhere is contained in this advertisement, which attempts to limit the quantity of land sold to 160 acres to one person. It is to be carefully ob-

served, however, that in this public declaration of its intention the company does not bind itself *to sell the land at a fixed price.* It agrees to sell the lands "at their actual present value," "on the basis of similar lands in the vicinity."

That these companies did not consider themselves bound by the proviso of that act, even as to the matter of quantity is shown by the fact that the second sale made by he European & Oregon Land Company was for 200 acres, and this was followed in the next three years by other sales exceeding the 160 acre limit.

There is no pretence on the part of the company that in conducting sales it ever observed, or attempted to observe, in a literal sense, the proviso in the act of April 10, 1869, with reference to the quantity of land sold to one person, or the price asked or received, or in recognition of the rights of any particular class of purchasers; and the experience of the company and its officers entrusted with the management and administration of this land grant during the forty or more years of the life of the grant has demonstrated that in its relation to the making of sales of the lands in the grant, that proviso is utterly impossible of performance. Had the company endeavored to confine sales within the restrictions and limitations of the ordinary sense and meaning of the proviso mentioned, it is a safe statement that sufficient land could not have been sold during these forty and more years to pay ten per cent of the expense of administration of the grant.

It is a fact, however, that the lands of the grant were open to sale continuously from its origin down to the year 1903—a period of about 35 years—and during all of that time the company endeavored to make sales to persons who would settle upon and cultivate the lands. As an evidence of the company's earnest effort in this behalf, attention is called to the fact that nearly all sales made were by contract, requiring payment by vendee of only ten per cent. of purchase price in cash, and balance in ten equal annual installments.

But the fact is, so small a percentage of the acreage of the grant was suitable for agriculture or capable of being reduced to cultivable conditions or settlement that no inducement the company could hold out would avail to secure purchasers of that class to any appreciable extent. The lands which, with slight expense and labor, might be cultivated, were, of course, selected first. Those lands which it was necessary to clear of timber and stumps did not attract, for the expense of clearing far exceeded the value of the land when cleared.

During all these years and down to about 1898 none of the lands in the grant were considered either by the company or by the public with reference to their value for timber. Indeed, no value was then attached to them for the timber. No one could be induced to buy 160 acres of land, for $2.50 per acre or any other price, just because of the value of the timber. The timber was remote and inaccessible for logging and too far from

market for the ordinary human vision to discern that it might at a period then near at hand have a value. So that what land was sold prior to about the year 1898, although it might have been timbered, was purchased on account of its possibilities for agriculture, or other purposes,—not timber. Of course, quite a large percentage of these purchasers of small tracts never found it practicable to clear the land or reduce it to conditions of agriculture, and many of the tracts so purchased have since passed into the hands of large timber owners and lumbering interests.

The following statement of sales made, clearly illustrates these conditions:

Total number of contracts of sale made by company, 7246, agreeing to convey 1,036,634.11 acres.

Of the total number of 7246 contracts, 1268, embracing 209,457.79 acres, were allowed by vendee to become in default and were cancelled by company, leaving total net acreage sold under contract 827,176.32.

Of the above total number of contracts, there are in addition to the 1268 already cancelled, 526, embracing 34,435.60 acres, in default at this date, for an average period of twelve years, and many of them for a period of more than twenty years, and which are subject to cancellation, vendees having abandoned the contracts and the lands covered thereby and forfeited all payments made on account thereof. Considering these contracts as abandoned, and deducting the acreage covered thereby, 34,435.60, from the net acreage sold under

contract—827,176,32—the net acreage sold is reduced to 792,478.30.

Of the net acreage of 792,478.30 thus sold, 500,000 acres were sold since the year 1898, in large quantities, in some cases as much as 40,000 acres and more being embraced in one contract of sale, so that the total sales by the company from the time it acquired the grant down to the year 1898 was only 292,478.30 acres.

These figures show that of about 8,000,000 acres which the company actually acquired or in which it had an expectancy and from which it could make sales, the net result of thirty years business (prior to 1898) shows sales of only 292,478.30.

It is a significant fact illustrating conclusively the unfitness for settlement purposes (of what remained after the government had deprived the grantee railroads of the only land within the limits of the grant suitable for agriculture) and enforcing the impossibility of compliance with the proviso of the act of April 10, 1869,—that the abandoned lands just referred to were the best obtainable lands in the grant at the times purchased, and that of the 526 abandoned contracts covering a large acreage, and which remain uncancelled, a careful examination on the ground reveals the fact that on only seventy-six one hundredths (76/100 per cent) of one per cent of the acreage covered, was any attempt ever made at settlement and cultivation.

As further illustrating the character of the lands

now remaining in the grant, and particularly their unfitness for settlement and cultivation, attention is called to the following statement of the official records of the tax assessors' offices of all the counties of Oregon in which are any part of the land grant lands. This is the official assessment for purposes of taxation for the year 1906, and shows that out of the entire grant remaining of over two million acres, but *fifteen* (15) *acres are assessed as tillable.*

STATEMENT OF LANDS IN VARIOUS COUNTIES EMBRACING OREGON AND CALIFORNIA RAILROAD COMPANY LAND GRANT ASSESSED FOR TAXATION AS SHOWN BY RECORDS OF COUNTY ASSESSORS FOR YEAR 1906, AND SHOWING ASSESSORS' CLASSIFICATION OF OFEGON AND CALIFORNIA RAILROAD COMPANY LANDS AS TILLABLE AND NON-TILLABLE.

				Acreage of Patented Unsold Lands of Oregon and California Railroad Company.	
County	Total Acreage Assessed	Assessed as Tillable	Assessed as Non-Tillable	Assessed as Tillable	Assessed as Non-Tillable
Clarke (Wash.)	334,776	43,985	290,791		292.50
Columbia, Or.	359,877	10,537	349,340		17,692
Washington	439,251	94,215	345,036		17,892.22

County	Total Acreage Assessed	Assessed as Tillable	Assessed as Non-Tillable	Acreage of Patented Unsold Lands of Oregon and California Railroad Company. Assessed as Tillable	Assessed as Non-Tillable
Multnomah	193,472.72				8,341.58
Clackamas	613,921	84,166	522,755		88,183
Tillamook	549,783.20	12,224.42	537.558.78		29,579.03
Yahmill	377,621	118,031	259,590		28,591.91
Polk	482,034	115,738	316,298		39,612.28
Marion	535,325.03	196,642.08	338,682.95		34,173.88
Lincoln	242,596	4,978	237,618		15,906
Benton	370,020	63,731	306,289		53,443
Linn	949,667	186,300	763,367		73,726
Lane	1,345,125	118,463	1,226,662	15.	302,912
Douglas	1,782,772	93,450	1,689,322		615,913

County	Total Acreage Assessed	Assessed as Tillable	Assessed as Non-Tillable	Acreage of Patented Unsold Lands of Oregon and California Railroad Company. Assessed as Tillable	Assessed as Non-Tillable
Curry	239,215	3,628	235,215		7,960
Coos	773,722	17,826	755,896		106,413
Josephine	374,789	25,169	349,620		167,233
Jackson	1,087,804	83,968	993,336		441,488
Klamath	850,338	72,236	778,102		43,014

All of the records of examinations of the lands in the grant by particular tracts, made during all the years prior to April 18, 1906, were destroyed in the fire in San Francisco of that date. The work of restoring this lost data is enormous and will consume much time and money. Up to the present time it has been possible to restore only a small percentage of that data. However, a very careful estimate has been made by two different persons who from long association with the grant in the field and who by their judgment and experience in land and timber appraisement are best qualified to testify as to values and character of land in the grant. Their report shows 1,496,640 acres covered with timber and unsuitable for agriculture; 703,652 acres of grazing land unsuitable for agriculture and 7320 acres that might be used for agricultural purposes at the present time, but which acreage consists of small isolated tracts many of them remote from transportation and settlements, and scattered in small bodies in different places throughout the whole extent of the grant, along creek bottoms and on hill sides. They are not easily saleable because more lands may be had and demand does not equal supply. The remainder of the grant consists of 150,000 acres of steep hillsides and rocky cliffs not timbered and not fit for agriculture or grazing, but are waste land. Of the 2,200,292 acres of timber and grazing lands as above, it is estimated that about 250,000 acres might be reduced to conditions suitable to agriculture by clearing the ground of timber and stumps but the expense of clearing the land would greatly exceed the value of the land

after it was cleared. Note: At the present time in Western Oregon the cost of clearing lands of stumps, etc. and preparing it for agriculture ranges from $50 to $150 per acre.

STATEMENT OF THE CONSOLIDATED LAND GRANT OF THE OREGON AND CALIFORNIA RAILROAD COMPANY UNDER ACT OF JULY 25, 1866 AND ACT OF MAY 4, 1870.

The following is a statement showing *separately* the *"Primary"* lands included in both grants, and the *"Indemnity"* granted to make good loss in primary grant:

PRIMARY.

	Acres.
Total acreage granted	4,283,218.36
Lost	2,093,702.04
Leaving actual grant subject to still further loss by reason of unpatented condition	2,189,516.32

INDEMNITY.

Total acreage Indemnity contemplated by Acts	1,907,300.91
Acreage held unavailable for indemnity by court and departmental decisions	878,495.51

Leaving available at present time (Subject) to still further deduction) to make good loss of 2,189,516.32 acres of primary lands 1,028,805.40

Net loss at this date which may be increased and which can never be made good..... 1,160,710.92

These figures agree substantially with the official adjustment of the grant as made by the Commission of the General Land Office in letter of June 29, 1900 to the Secretary of the Interior, as follows:

"F" 13-12929

Department of the Interior

General Land Office.

Washington, D. C., June 29, 1900.

The Honorable
Secretary of the Interior

Sir:

In accordance with the directions of the department (6 L.D., 276) and the requirements of the Act of March 3, 1887 (24 Stat. 556), an examination with a view to its adjustment has been made of the grant to the Oregon and California Railroad Company in the State of Oregon by the act of July 25, 1866 (14 Stat., 239), and I hand you herewith a statement of the results of such examination for your information and such instructions or suggestions as you may deem proper.

The examinations show the whole area of the grant in the primary (20 miles) limits to be 3,821,901.80 acres, of which amount there are chargeable against the grant 2,128,979.36 acres thus leaving an apparent loss in said limits of 1,692,922.44 acres, 215,914.10 acres of which are lost by reason of falling within conflicting limits of prior grants and the remainder by entries, filings, etc.

The area of the indemnity (30 miles) limits is shown to be 1,779,352.10 acres of which 472,197.49 acres have been otherwise disposed of, leaving available in this limit (at the time of the examination) for the purpose of satisfying the grant, 1,307,154.61 or 385,767.83 acres less than the required amount, even in the improbable event of the company obtaining title to all the lands shown at the time of the examination to have been available for the grant.

In connection with the deficiency in the grant above reported, however, attention is called to the fact that there have been erroneously patented to the company 6,968.33 acres outside the limits of its grant and 1,576.67 acres within its limits, but also in the limits of prior grants. While the title to these lands, amounting to 8,540.00 acres remains in the company, they should be charged against the amount the company is entitled to, and by so doing the deficiency above reported will be reduced to 377,227.83 acres, as shown by the statement.

Attention is also called to the item "In limits but patented to other roads," under heading of "Charge-

able to the grant" in the primary limits.

This item, covering 34.43—.43 acres, is made up of 541.87 acres in the primary limits of the Oregon and California Railroad and the indemnity limits of the Oregon Central Military Road, and 33,894.56 acres in the conflicting primary limits of the grant under consideration and the Coos Bay Military Road grant.

As to the 541.87 acres in the conflicting limits of the Oregon and California Railroad and the Oregon Central Military Road, I have to say that they are in the primary limits of the former grant, opposite its definite location of March 26, 1870 and title passed by such definite location, so that when the indemnity withdrawal was ordered, March 31, 1871, on account of the latter grant, no right of selection passed thereunder and the approval of the lands for the military road was therefore erroneous, and that lands should be charged against the *railroad* as part of its grant and against the military road as "erroneously approved" to it.

Respecting the 33,894.56 acres in the conflicting limits of the Oregon and California Railroad and the Coos Bay Military Road, it appears that these lands were approved to the latter road under a decision of this office of January 8, 1874, holding that priority of right depended upon priority of definite location and not upon priority of grant.

This ruling was clearly erroneous, as was the approval of the lands to the military road, and they should therefore be made a charge against the railroad as a part

of its grant and, as in case first mentioned, charged against the military road as "erroneously approved."

In the examination other lands are charged as erroneously approved to the railroad because at the time the company's right attached by definite location or selection they had been otherwise disposed of, and as to these lands, shown by the statement to amount to 5,688.'' acres, rule has this day been laid upon the company to show cause, etc., under the act of March 3, 1887, *supra,* as to all lands not included in patented entries or demands made or suits instituted.

As to those lands falling within the limits of prior grants, it will be observed that they are all charged in the body of the statement as "Lost" to the grant, although, as hereinbefore states, 1,576.67 acres of such lands have been patented to the Oregon and California Railroad Company and are charged against the amount the company is entitled to in the recapitulation, as are also the 6,968.33 acres reported as patented to the company outside of its limits.

Rule has this day been laid upon the company to "show cause" etc., as to the lands erroneously patented outside of its limits, but as to those erroneously patented to this company in the limits of prior grants as well as those erroneously patented to other companies in the limits of this grant, as aforesaid, no rule will be laid, the companies being left to adjust the matter between themselves.

The statement of the result of the examination is

herewith marked "A".

Very respectfully,
Binger Herman,
Commissioner.

B.W.M.

STATEMENT OF ADJUSTMENT OF THE GRANT FOR THE OREGON AND CALIFORNIA RAILROAD COMPANY BY ACT OF JULY 25, 1866, (14 STAT., 239), PRIMARY (20 MILES) AND INDEMNITY (30 MILES) LIMITS.

PRIMARY (20 MILES) LIMITS.	Acres
Whole area	3,831,901.80
Chargeable to Grant	Acres
Properly Approved	1,700,450.08
Erroneously approved	2,846.33
Listed and subject to grant	21,691.10
Vacant and subject to grant	366,358.91
Entries and filings on lands otherwise subject to grant	40.00
Disposal after definite location	245.92
Pending decision	3,410.59

PRIMARY (20 MILES) LIMITS.	Acres	Acres
In limits, but patented to other roads	34,436.43	
Total chargeable to primary limits		2,128,979.36
Lost to Grant		
By entries, filings, etc.		1,476,768.69
Limits Ore. Cent. Military Road	53,013.95	
Limits Corvallis and Yaq Bay Wagon Road	57,130.16	
Limits Will. Val. Cas. Mt. Wagon Road	105,769.99	
Erroneously listed	239.65	
Total lost in primary limits		1,692,922.44
Making chargeable and lost equal area of grant		3,821,901.80

Indemnity (30 Miles) Limits.

Total area	1,779,852.10

Chargeable as Indemnity.

Properly approved	798,185.20
Erroneously approved	2,342.55
Selected and subject to grant	82,204.97

PRIMARY (20 MILES) LIMITS.		Acres
Pending decision	2,534.67	
Total chargeable as indemnity		885,267.89
Otherwise disposed of....	472,197.49	
Vacant and subject to selection	421,887.22	
Total		894,084.71
Making chargeable, disposed of, and vacant...		1,779,352.10

RECAPITULATION

(Basis of Chargeability)

Area of primary limits.....	3,821,901.80
Chargeable in primary limits.....	2,128,979.86
Apparent loss in primary limits.....	1,692,922.44
Chargeable in indemnity limits.....	885,267.89
Apparent amount due under grant.....	807,655.05

N. B.—From the last amount should be deducted, because patented outside limits..... 6,963.33

PRIMARY (20 MILES) LIMITS.		Acres
And because patented in limits of prior grants.....	1,576.67	
Total deducted for above reasons..		8,540.00
Apparent amount due under grant.....		799,115.05
Vacant and subject to selection in indemnity limits		421,887.22
Apparent deficiency in grant.....		377,227.83

(Basis of Approval)

Area of primary limits.....		3,821,901.90
Actually approved, properly	2,498,635.28	
Actually approved erroneously	4,688.88	
Actually approved, outside limits	6,963.33	
Actually approved, other limits	1,576.67	
Total actually approved.....		2,511,864.16
Actually due under grant.....		1,310,037.64

The foregoing shows that one-half of the aid ex-

tended by the acts of Congress to secure railroad facilities for Western Oregon was withheld from the companies by adverse prior settlements and adverse court and departmental decisions. The projectors and builders of these lines were deceived by the promises of those acts, and many of them sunk private fortunes in endeavoring to build these roads. The lands of which the railroad companies were thus deprived were naturally and necessarily the most valuable and most accessible. The fact is that practically the entire agricultural area, or that could be made agricultural, tributary to the entire line from Portland to the state boundary was, because of prior settlement and entries, or upon one pretext or another, excepted from the grant. The only bodies of tillable land then or now within the limits of the grants, or in western Oregon, are situated in the valleys of the Willamette, Umpqua and Rogue Rivers, and in which the railroad companies received practically nothing. This is forcibly and clearly illustrated by the attached map, showing in black the lands of which the companies were deprived.

The remnant of the grant lies in the mountains and broken country, and is not now and never has been susceptible of settlement or cultivation to any appreciable extent.

The only value that the grant as a whole has at the present time is for timber.

Withholding Land Grant Lands from Sale.

The charge has been made that the Oregon & California Railroad Company has withdrawn and withheld the lands from sale in order to subserve some selfish purpose on the part of the company in its relation to the land grant, by promoting a land monopoly, and which has, at the same time, retarted the growth and development of Western Oregon and wrought injury to the commercial and industrial interests of the state, (See statements of B. D. Townsend, Special U. S. Attorney, before Com. on Public Lands, H.R., in "Hearings held before the Committee on Public Lands, March 5, 12 and 14, 1908, on S.J.R. No. 48" etc., pages 8, 11, 12)

The facts regarding the suspension of sales, late in 1902 or early in 1908, are these:

The ownership of the Southern Pacific Company and control of its constituent companies took place a short time before that period. An examination by the undersigned of the different land grant properties thus controlled made it imperatively necessary that sales should be interrupted for the sole purpose of ascertaining just what lands were owned, and exactly what was their condition as to title. The books and records of the Oregon & California Railroad Company, Land Department, were in such condition, and the business had been conducted in such manner as to render a thorough examination a business necessity. This examination developed the fact that the company had in a large number of instances made sales of land before United States pat-

ent had issued therefor, and in some cases before lands had been surveyed. Further, the company had in many instances sold, received consideration and delivered deeds to lands which were not then patented to the company, and which were, in fact, patented adversely to the company subsequent to delivery of deed.

In another class of cases lands were deeded and consideration accepted for patented lands, patents for which were cancelled by the United States.

The principal aim, therefore, of the supension of sales was to ascertain the liability of the company in a large number of instances of the character above described, and which complications and liabilities were not disclosed by the companies records.

It became necessary to make entirely new and complete records of company ownership and company transactions. This work was pushed with all possible speed and completed late in 1904, at which time it was thought that sales could be resumed, and they would have been resumed but for the discovery then made by attorneys for the company that the payment of taxes on land grant lands for an indefinite time had been neglected, and that a large number of tax titles and other complications had accumulated, and that in all probability the company had sustained losses of its lands for this reason, which losses could only be ascertained by an exhaustive examination of the tax records of every county in the grant as to each particular tract of land the company claimed to own. The company's attorneys advised that the com-

pany was not justified in resuming sales and incurring unknown liabilities until the examination of tax records had been completed and it was definitely ascertained what tracts of land were lost, and what titles could be cured by appropriate legal action. A large force of men was immediately set to work in all the counties under direction of competent attorneys. This work was not fully completed when the fire of April 18, 1906, entirely wiped out all Land Department records of every description.

The restoration of Land Department records was a task of large proportions and extreme difficulty. It was, however, so far completed within six months after the total destruction that the company's attorneys could report as to what lands had been lost by non-payment of taxes and as to what tracts remained subject to complications to cure which suits to quiet title have been begun and are now being prosecuted.

So far from the truth is the claim that the company withdrew lands for the purpose of speculation, that on September 1, 1906, four months after its records and all basis for land negotiation had been destroyed, it had so far restored its records that it gave general notice by circular letters, etc., that the company would entertain applications of all persons desiring to purchase Oregon & California lands for actual use for agriculture and grazing. The result of this act of good faith on the part of the company was a very small number of applications, which were immediately examined by competent field

men on the ground. Substantially none of these applications were found to have been made for agricultural or grazing land, or with any evident intention of settling upon or cultivating the land, but to secure it for its timber or mineral value, or for riparian rights or water power purposes.

Note: It has been impossible, even had it been thought desirable, for the company to resume general sales of timber land, for the reason that after the fire it had no record of cruises made during the preceding forty years. Cruising of timber is a slow process, and it is impossible to act intelligently without exact information.

It may be asserted confidently that the present movement against the Oregon & California land grant was not instituted by persons wishing to settle, nor is it a movement for the general good. It has been brought on by agitation begun by certain large timber holding interests in Oregon for the sole and express purpose of compelling the railroad company to part with its timber holdings, in order that they might be acquired by these same timber holding interests.

This fact has been well known by the land officers of the Oregon & California Railroad Company since the agitation was commenced, but it is brought to light clearly by the statement of Mr. A. C. Dixon of Oregon, an officer of the lumbering and timber holding corporation of the name of "The Booth-Kelley Company," before the Committee on Public Lands of the

House of Representatives, on March 12, 1908. (See "Hearings held before the Com. on the Pub. Lands," etc., page 76,) where he says:

"It was at a meeting of shippers, mostly lumber men, that the question of disposal of lands still in the hands of the original grantees (Oregon & California Railroad Company) was first brought out in a public way, *and the lumber interests were behind and favored every resolution on this subject adopted* in the state, and are still in hearty accord with the original purpose of the movement."

And, further: "The government, with all the agencies at its control should secure their (the peoples') rights from an offending corporation in a suit which *we and other public spirited citizens of our state have proposed and furthered continuously since it was first brought to public notice.*"

These same timber holding interests before this agitation began and since have used all the pressure at their command to force the railroad company to dispose of its timber lands to them in large quantities, in order to establish a complete monopoly of the timber lands of Oregon in their hands. Failing in such purpose, which is contrary to the interests both of the railroad company and of the public, these interests inaugurated and have promoted a movement which culminated in the action of Congress on Friday April 24, 1908, adopting a resolution authorizing the Department of Justice to institute legal proceedings against the company.

It is pertinent here to remark that no legislative provision which could be passed by Congress at the present time would be better calculated to serve the purpose of the large lumbering interests in securing a monopoly than the proviso in the act of April 10, 1869, calculated to be a restraint upon alienation. The possession of 160 acres of timber land by a single individual is of very little advantage to the individual. The timber is too valuable to be sacrificed for the sake of the land. There is not enough timber on 160 acres to warrant the outlay for expensive means of production, such as mills, railroads, etc., unless the owner can add a large acreage of adjoining lands of the same character. The inevitable conclusion is that the possession of 160 acres of land grant lands, valuable for timber only, would be of no use to the possessor unless he could dispose of them to the large timber interests, which he would immediately proceed to do as soon as he could give title.

The movement above referred to, inspired by the timber holding interests of Oregon, has resulted in causing about seven thousand persons throughout all parts of the United States to send to the Land Department of the Oregon & California Railroad Company written applications for the purchase of 160 acres of land each at $2.50 per acre, accompanied by tenders of money, and demanding the sale to them, and execution of deed for such land. So far as known not a single one of these applications has been made for land now suitable for agriculture or settlement, or which could be reduced to conditions suitable for agriculture and settlement, ex-

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cept at an expense greatly in excess of the value of the land, exclusive of timber. All such applications have been for timber lands.

DEFENDANTS' EXHIBIT 310

is a map called Oregon "Riddles Quadrangle," United States Geologolical Survey, Charles D. Walcott, Director, purporting to show the topography south of Roseburg, beginning with township 30 south, ranges 3 to 7 west, and extending to the lower half of township 35 south, ranges 3 to 7 west, both inclusive, with description of the topographical map printed September, 1908.

This exhibit is not printed, but is certified up under order of court and stipulation of parties.

DEFENDANTS' EXHIBIT 311

is topographical map showing the topography of Oregon "Grants Pass Quadrangle," United States Geological Survey, George Otis Smith, Director, beginning with the south half of township 35 south, ranges 3 to 7 west, and extending to the boundary line between Oregon and California, township 41 south, ranges 3 to 7 west, purporting to show the topography of country, with description of the topographical map of the United States on the back thereof, published October 1, 1907, by the director of United States Geological Survey, Washington, D. C.

This exhibit is not printed, but is certified up under order of court and stipulation of parties.

DEFENDANTS' EXHIBIT 312

purports to be a large sectional map of Douglas and

Coos counties, Oregon, with legend as follows:

Light green	Lands of O. & C. R. R. Co.
Yellow	Lands of C. A. Smith Co.
Pink	Lands of Neenah-Oregon Land Co.
Tan	Lands of Roach Timber Co.
Blue	Lands of Kendall Bros.
Violet	Lands of Pillsbury Lumber Co.
Lavender	Lands of Lennan Land Co.
Brown	Lands of Bradford-Culver Tbr. Co.
Orange	Lands of Myrtle Lumber Co.
Olive Green	Lands of Gardiner Mill Co.
Salmon Pink	Lands of Weyerhauser Land Co.
Dark green	Lands of A. H. Hinkson
Blue green	Lands of Sparrow, Coach & Kroll

This map is not printed, but certified up under order of court and stipulation of parties.

DEFENDANTS' EXHIBIT 313

consists of four photographs taken by Ben Irwin in Douglas county, purporting to show abandoned cabins. This exhibit is certified up under order of court and stipulation of parties.

DEFENDANTS' EXHIBIT 314

purports to be a blue-print map of portions of Douglas, Coos and Curry counties, showing in red the lands of the

Simpson Lumber Company, with limits of the Oregon and California grant marked in yellow, mentioned in the testimony of Dennis McCarthy, page 3070 et seq. Volume 6.

This map is not printed, but certified up under order of court and stipulation of parties.

DEFENDANTS' EXHIBIT 315

purports to be a copy of the "American Lumberman" published at Chicago November 11, 1911, entitled "A History—A Characterization—and A Glimpse Into the Future. The C. A. Smith Interests, embracing The C. A. Smith Lumber Company, of Minneapolis, Minn., and Bay Point, Cal., The C. A. Smith Lumber & Manufacturing Company, of Marshfield, Ore., and The C. A. Smith Timber Company, of Oakland, Cal.," and purporting to set out various photogravures, illustrating the sawmill of the C. A. Smith Lumber Co. at Marshfield, Oregon, the growth of timber in Coos and Curry counties, mentioned in the testimony of Dennis McCarthy, page 3076, et seq. volume 6, and in the testimony of F. A. Kribs at page 2925 et seq. volume 6, of printed record.

This exhibit is not printed, but certified up under order of court and stipulation of parties.

DEFENDANTS' EXHIBIT 316

purports to be a standard map of the Oregon and Cali-

fornia Railroad Company, in four sections, purporting to show in red, lands of the Weyerhauser Land Company, in yellow, lands of the Pokegama Sugar Pine Lumber Company, and in green, the lands of the Pelton-Reid Sugar Pine Lumber Company.

The map is mentioned in the testimony of Jackson F. Kimball, volume 6, page 3166 et seq., and in the testimony of Milford Jacobs, volume 6, page 3178 et seq. This map is not printed but certified up under order of court and stipulation of parties.

DEFENDANTS' EXHIBIT 317

is a bulletin of the "Thirteenth Census of the United States: 1910," giving the population of Oregon by counties and minor civil divisions, prepared under the supervision of Wm. C. Hunt, Chief Statistician for Population, showing, among other things, the following:

Census Year.	Population.	Increase Over Preceding Census.		Per cent of increase for continental United States.
		Number.	Per cent.	
1910.....	672,765	259,229	62.7	21.0
1900.....	413,536	95,832	30.2	20.7
1890.....	*317,704	142,986	81.8	25.5
1880.....	174,768	83,845	92.2	30.1
1870.....	90,923	38,458	73.3	22.6
1860.....	52,465	39,171	294.7	35.6
1850.....	13,294	.....	....	....

*Includes population (3,987) of Indian reservation specially enumerated.

City and Census Year.	Population	Increase Over Preceding Census.	
		Number.	Per cent.
Ashland:			
1910	5,020	2,336	90.6
1900	2,684	850	47.6
1890	1,784	942	111.9
1880	842	....	....
Astoria:			
1910	9,599	1,218	14.5
1900	8,381	2,197	35.5
1890	6,184	3,381	120.6
1880	2,803	2,164	338.7
1870	639	....	....
Baker City:			
1910	6,742	79	1.2
1900	6,663	4,059	155.9
1890	2,604	1,346	107.0
1880	1,258	....	....
Eugene:			
1910	9,009	5,773	178.4
1900	3,236	....	....
1890	*	....	....
1880	1,117	256	29.7
1870	861	....	....

City and Census Year.	Population	Increase Over Preceding Census.	
		Number.	Per cent.
Medford:			
1910	8,840	7,049	393.6
1900	1,791	824	85.2
1890	967	....	....
Portland:			
1910	207,214	116,738	129.2
1900	90,426	44,041	94.9
1890	46,385	28,808	163.9
1880	17,577	9,284	111.9
1870	8,293	5,419	188.6
1860	2,874	....	....
Salem:			
1910	14,094	9,836	231.0
1900	4,258	....	....
1890	*	....	....
1880	2,538	....	....

*Not returned separately.

The remainder of the exhibit is not printed but certified up under order of court and stipulation of parties.

DEFENDANTS' EXHIBIT 318

consists of certified copies of so much of the assessment rolls of the counties of Washington, Multnomah, Yamhill, Clackamas, Polk, Marion, Lincoln, Benton, Linn, Lane, Douglas, Coos, Curry, Josephine, Jackson, Klamath, Columbia and Tillamook in which the unsold lands of the O. & C. involved in this suit are situated, for the year 1911. This exhibit purports to show the method of annual return of unsold Congressional lands belonging to the Oregon & California Railroad Company in the various counties in which any part of the grant is located, and for assessment purposes for the year 1911, together with the valuation placed thereon.

This exhibit is not printed, but certified up under order of court and stipulation of parties.

DEFENDANTS' EXHIBIT 319

OREGON & CALIFORNIA R. R. CO.

Comparative Statement of assessed valuation and taxes paid on

UNSOLD CONGRESSIONAL LAND,

By Counties, years 1904-1905-1906 & 1907.

ACREAGE.

County	1904	1905	1906	1907
Benton	53517	53469	53427	53627
Clackamas	88485	88685	88685	89085
Columbia	17666	17679	17679	17679
Coos	103262	106406	106406	106566
Curry	7736	7845	7845	7845
Douglas	607787	616573	616847	616836
Jackson	441420	441370	441941	441601
Josephine	164842	167180	167260	167278
Klamath	48016	48016	48016	48015
Lane	298951	296564	299221	299826
Lincoln	15906	15906	15906	15906
Linn	66926	67054	67486	61842
Marion	29142	30098	30218	30216
Multnomah ...	8302	8342	8342	9007
Polk	37505	37812	37812	37018
Tillamook	29739	29739	29739	29741
Washington ...	17612	17932	17892	17932
Yamhill	28196	28607	28603	28603
Clarke, Wn. ..	287	292	292	292
Totals or Av.	2060247	2074569	2078167	2078415
Decrease				4752

VALUATION

County	1904	1905	1906	1907
Benton	$ 184194	$ 182885	$ 182905	$ 522900
Clackamas ..	201700	201790	209425	604540
Columbia ...	62115	118935	121975	718095
Coos	180697	744849	685392	1015720
Curry	19389	47070	54915	87681
Douglas	918425	1015680	2967095	4441080
Jackson	493287	1860236	1862189	3110858
Josephine ..	284641	503025	663655	714995
Klamath	98647	133827	170394	279712
Lane	709805	700985	1197835	2393420
Lincoln	31812	31812	47712	60262
Linn	199535	202400	471895	494680
Marion	59105	63760	214225	387725
Multnomah .	29690	67970	91320	249180
Polk	105050	106050	312080	612460
Tillamook ..	35390	41150	88045	117325
Washington.	87530	90745	90545	238150
Yamhill	42608	42910	85806	187931
Clarke, Wn..	2280	2330	3980	3980
Tot. or Av.	$3595900	$6103409	$9471838	$16240194
Increase				6768356

AVERAGE VALUE PER ACRE

County	1904	1905	1906	1907
Benton	$2.51	$2.49	$2.49	$9.75
Clackamas	2.28	2.28	2.37	6.79
Columbia	3.52	6.44	6.90	40.12
Coos	1.75	7.00	6.44	9.53
Curry	2.50	6.00	7.00	11.18
Douglas	1.51	1.65	4.81	7.20
Jackson	1.12	4.21	4.22	7.04
Josephine	1.42	3.01	3.97	4.27
Klamath	2.29	3.11	3.96	6.50
Lane	2.37	2.36	4.00	8.00
Lincoln	2.00	2.00	3.00	3.79
Linn	2.98	3.02	7.00	8.00
Marion	2.03	2.12	7.09	12.83
Multnomah	3.58	3.15	10.95	27.67
Polk	2.80	2.80	8.25	16.54
Tillamook	1.19	1.38	2.96	3.94
Washington	2.13	5.06	5.06	13.28
Yamhill	1.50	1.50	3.00	6.57
Clarke, Wn.	8.00	7.98	13.62	13.62
Total or Av.	$1.75	$2.94	$4.56	$7.83
Increase				3.27

AVERAGE LEVY IN MILLS

County	1904	1905	1906	1907
Benton	16.9	18.1	21.6	22.1
Clackamas	21.2	19.6	20.6	21.9
Columbia	30.1	19.3	19.7	8.8
Coos	30.0	18.4	15.2	16.9
Curry	29.1	9.7	18.6	10.8
Douglas	25.7	23.1	10.1	8.8
Jackson	26.7	10.9	11.7	8.2
Josephine	31.5	15.8	15.8	15.5
Klamath	24.2	19.4	15.6	15.5
Lane	24.3	21.5	16.3	13.9
Lincoln	31.0	28.0	23.6	16.8
Linn	22.9	20.7	9.9	8.9
Marion	21.8	22.4	14.2	10.6
Multnomah	24.2	6.2	7.1	6.3
Polk	25.4	23.7	12.2	12.1
Tillamook	27.1	25.0	20.4	13.4
Washington	25.7	10.4	9.9	9.8
Yamhill	26.5	23.6	14.9	14.7
Clarke, Wn.	29.0	27.9	24.2	29.6
Total or Av.	25.5	16.5	13.0	11.6
Decrease				1.4

TOTAL TAXES PAID

County	1904	1905	1906	1907
Benton	$ 2259.50	$ 2899.90	$ 2866.22	$ 11540.80
Clackamas	4284.22	3947.17	4319.73	13269.60
Columbia	1871.69	2198.67	2401.49	6301.06
Coos	5430.77	9944.18	10411.60	17171.88
Curry	564.22	456.58	745.75	948.10
Douglas	23605.63	23503.98	29948.50	38969.73
Jackson	13174.50	20806.90	21874.26	25586.03
Josephine	7898.64	7928.31	10482.84	11117.86
Klamath	2892.19	2596.25	2666.14	4341.09
Lane	17265.96	15068.37	19574.28	33247.94
Lincoln	987.46	894.90	1124.68	1014.13
Linn	4568.89	4186.66	4671.87	4418.03

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TOTAL TAXES PAID

County	1904	1905	1906	1907
Marion	1291.13	1429.61	3032.89	4117.68
Multnomah	717.66	423.02	652.68	1563.72
Polk	2665.04	2517.96	3815.98	7896.86
Tillamook	958.93	1029.13	1794.72	1567.37
Washington	963.03	942.45	894.27	2347.01
Yamhill	1128.43	1014.13	1281.88	2765.23
Clarke, Wn.	66.22	65.02	96.34	117.79
Total or Av.	$91594.11	$100853.24	$122655.62	$187796.86
Increase				65140.74

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AVERAGE TAX PER ACRE

County	1904	1905	1906	1907
Benton	$.042	$.045	$.054	$.215
Clackamas	.048	.045	.049	.149
Columbia	.106	.124	.186	.356
Coos	.053	.093	.098	.161
Curry	.073	.058	.095	.120
Douglas	.039	.038	.049	.063
Jackson	.030	.046	.050	.058
Josephine	.045	.047	.063	.066
Klamath	.056	.060	.062	.101
Lane	.058	.050	.065	.111
Lincoln	.062	.056	.071	.064
Linn	.068	.062	.069	.071
Marion	.044	.047	.100	.136
Multnomah	.087	.050	.078	.174
Polk	.071	.067	.101	.200
Tillamook	.032	.035	.060	.053
Washington	.055	.058	.050	.131
Yamhill	.040	.035	.045	.097
Clarke, Wn.	.230	.228	.330	.403
Total or Av.	.045	.049	.059	.090
Increase				.031

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Years 1908-1909-1910 & 1911

ACREAGE

County	1908	1909	1910	1911
Benton	53627	53707	53749	53750.05
Clackamas	89085	89134	89358	89690.73
Columbia	17679	17679	17679.	17679.
Coos	106563	106563	117140	121087.
Curry	7845	7845	11925	11885.
Douglas	616808	616200	625766	631086.
Jackson	441770	441652	444811	445096.
Josephine	167438	167691	175361	175551.
Klamath	43015	43011	43011	43011.
Lane	299486	299684	299894	300157.52
Lincoln	15906	15906	15906	15906.
Linn	61919	61919	61819	61859.48
Marion	30216	30256	30265	30323.
Multnomah	9047	9047	9047	9047.26
Polk	37017	37017	37017	37017.
Tillamook	29741	29741	29741	29741.
Washington ...	17932	17932	17872	18172.18
Yamhill	28483	28483	28546	28655.56
Clarke, Wn. ...	292	292	213	212.50
Totals or Av.	2073869	2073759	2109220	2119927.28
Increase			35461	10707.28
Decrease		110		
Rate			1.71%	.5%

VALUATION

County	1908	1909	1910	1911
Benton	$ 826815	$ 486627	$ 912115	$ 898850.
Clackamas	1492940	1154410	1101615	1090240.
Columbia	546910	546910	549440	553900.
Coos	1081804	1148029	1288449	1822856.
Curry	93168	88600	178775	129110.
Douglas	4440265	4434665	5497480	5633075.
Jackson	3126228	3124876	3137539	3851998.
Josephine	1171875	1275345	1491865	1611865.
Klamath	248490	258006	301177	448041.
Lane	2893460	2394805	3330345	3361060.
Lincoln	96718	64410	97550	98150.
Linn	495320	619190	680015	680465.

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VALUATION

County	1908	1909	1910	1911
Marion	886910	882070	892615	893900.
Multnomah	255820	195480	198080	198080.
Polk	518860	684600	629000	621160.
Tillamook	160280	136380	141000	141000.
Washington	157245	151160	158780	159280.
Yamhill	192451	188581	189880	198167.55
Clarke, Wn.	4360	4360	2815	2815.
Totals or Av.	$17188364	$17288504	$20327985	$21882962.55
Increase		100140	3039481	1554977.55
Rate			17.58%	7.65%

AVERAGE VALUE PER ACRE

County	1908	1909	1910	1911
Benton	$ 6.08	$ 9.06	$16.97	$16.71
Clackamas	16.76	12.95	12.33	12.15
Columbia	30.94	30.94	31.08	31.33
Coos	10.14	10.77	11.00	15.05
Curry	11.88	11.29	14.99	10.86
Douglas	7.20	7.20	8.79	8.93
Jackson	7.08	7.08	7.05	8.66
Josephine	7.00	7.60	8.51	9.18
Klamath	5.65	6.00	7.00	10.30
Lane	7.99	7.99	11.27	11.20
Lincoln	6.08	4.05	6.13	6.17
Linn	8.00	10.00	11.00	11.00
Marion	12.80	12.63	12.97	12.99
Multnomah	28.28	21.61	21.89	21.90
Polk	14.02	17.14	16.99	16.78
Tillamook	5.39	4.59	4.74	4.74
Washington	8.77	8.43	8.83	8.76
Yamhill	6.76	6.62	6.63	6.74
Clarke, Wn.	14.93	14.93	13.22	13.25
Total or Av.	$ 8.29	$ 8.34	$ 9.64	$10.32
Increase		.05	1.30	.68
Rate			15.59%	7.05%

AVERAGE LEVY IN MILLS

County	1908	1909	1910	1911
Benton	24.8	22.8	20.78	19.17
Clackamas	20.5	19.4	21.00	23.98
Columbia	10.8	11.0	14.53	16.62
Coos	23.8	26.5	26.88	25.32
Curry	10.2	12.8	12.22	12.66
Douglas	12.5	13.0	13.68	13.86
Jackson	7.1	9.7	9.67	12.58
Josephine	13.7	15.7	19.47	20.00
Klamath	13.3	17.5	15.06	19.26
Lane	19.5	18.4	15.32	18.10
Lincoln	14.3	19.7	18.58	19.07
Linn	13.1	12.4	13.09	15.46
Marion	16.6	13.5	15.68	25.24
Multnomah	8.4	7.6	9.24	11.40
Polk	17.8	12.8	14.42	19.08
Tillamook	15.6	16.7	15.85	20.10
Washington	20.4	16.3	20.32	24.01
Yamhill	17.3	17.4	19.33	21.22
Clarke, Wn.	26.2	32.7	31.02	28.77
Total or Av.	14.6	15.0	15.48	18.33
Increase		.4	.28	2.85
Rate			1.84%	18.41%

TOTAL TAXES PAID

County	1908	1909	1910	1911
Benton	$ 8192.06	$ 10850.32	$ 18904.58	$ 17222.52
Clackamas	30556.37	22395.82	28130.17	26141.52
Columbia	5901.35	5989.07	7983.64	9208.72
Coos	25752.71	30425.85	34629.09	46145.10
Curry	948.91	1130.25	2184.49	1635.54
Douglas	55606.83	57571.14	75199.68	103469.36
Jackson	22214.15	30271.64	30347.73	47473.70
Josephine	15996.32	20003.78	28838.83	32283.04
Klamath	4546.80	4511.78	4536.09	8534.93
Lane	46707.85	43956.41	51792.41	60836.11
Lincoln	1379.58	1271.57	1812.30	1872.20
Linn	6471.03	7664.67	8898.74	10524.96

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TOTAL TAXES PAID

County	1908	1909	1910	1911
Marion	6442.10	5148.37	6157.93	9944.49
Multnomah	2147.20	1494.94	1829.70	2258.02
Polk	9241.98	8029.50	9072.35	11855.80
Tillamook	2499.56	2275.12	2284.35	2884.45
Washington	3210.53	2457.12	3225.66	3824.26
Yamhill	3338.98	3285.56	3754.83	4099.32
Clarke, Wn.	114.29	142.58	87.33	81.63
Total or Av.	$251268.60	$258875.49	$314619.71	$401245.67
Increase		7606.89	52159.49	86625.96
Rate			19.87%	27.53%

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County	AVERAGE TAX PER ACRE				Assessed Ratio	
	1908	1909	1910	1911	1910	1911
Benton	$.158	$.202	$.352	.320	61%	63%
Clackamas	.348	.251	.259	.291	60%	58%
Columbia	.334	.338	.452	.520	75%	67%
Coos	.242	.286	.296	.331	58%	67%
Curry	.121	.144	.183	.137	85%	77%
Douglas	.090	.093	.120	.164	74%	70%
Jackson	.050	.069	.068	.109	84%	84%
Josephine	.096	.119	.164	.183	64%	64%
Klamath	.103	.105	.105	.198	69%	74%
Lane	.156	.147	.173	.202	78%	70%
Lincoln	.097	.080	.114	.118	96%	92%
Linn	.105	.124	.144	.170	70%	66%

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	AVERAGE TAX PER ACRE				Assessed Ratio	
Marion	.213	.170	.203	.328	70%	69%
Multnomah	.237	.165	.202	.249	71%	69%
Polk	.250	.217	.245	.320	68%	60%
Tillamook	.084	.076	.075	.095	73%	69%
Washington	.178	.137	.179	.210	60%	59%
Yamhill	.117	.115	.132	.143	60%	54%
Clarke, Wn.	.391	.488	.410	.380	33.13%	33.13%
Total or Av.	.121	.125	.149	.189		
Increase		.004	.022	.040		
Rate			17.32%	26.85%		

DEFENDANTS' EXHIBIT 320

Statement No. 1

Showing by Counties the Assessment Upon

CONGRESSIONAL LANDS

of the

OREGON AND CALIFORNIA RAILROAD COMPANY

From 1891 to 1904 Inclusive

Together with the Acreage assessed, the assessed Valuation, the Average assessed Valuation per Acre, the Total Taxes paid and the Average Tax paid per acre.

San Francisco, Cal.,
September 20th, 1905.

Auditor.

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OREGON AND CALIFORNIA RAILROAD COMPANY

CONGRESSIONAL LANDS IN OREGON

Statement of *Acres assessed* and the *assessed Valuation* thereof, together with *Taxes paid* thereon for the *period covering the years 1891 to 1904 inclusive.*

Year	Acres Assessed	Assessed Valuation	Average Assessed Valuation Per Acre	Total Taxes Paid	Average Tax Paid Per Acre
1891	676,811.84	$ 621,464.01	$	$ 20,200.15	
1892	1,307,619.97	985,094.00	.75	28,648.29	.018
1893	1,290,978.00	1,101,810.00	.85	21,266.76	.016
1894	1,652,187.22	1,220,648.00	.74	25,231.04	.015
1895	1,986,816.49	1,526,689.00	.78	32,101.50	.017
1896	2,114,648.87	2,092,746.44	.99	43,081.68	.020
1897	2,250,191.99	2,145,080.31	.95	46,840.51	.021

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1898	2,822,083.85	2,198,648.25	.95	54,123.16	.023
1899	2,366,859.08	2,017,994.89	.86	52,986.20	.022
1900	2,388,215.09	2,076,808.26	.87	53,804.46	.023
1901	2,377,869.68	2,428,079.00	1.02	65,274.18	.028
1902	2,401,998.06	3,205,228.00	1.33	80,094.81	.033
1903	2,413,911.41	4,673,486.37	1.94	121,226.51	.050
1904	2,151,854.47	3,810,910.27	1.77	97,721.87	.045
Total for Period	27,652,041.02	$30,104,036.80	$1.09	$737,601.12	.027
Yearly Average	1,975,145.78	$ 2,150,288.34	$1.09	$ 52,685.80	.027

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OREGON AND CALIFORNIA RAILROAD COMPANY

CONGRESSIONAL LANDS IN OREGON

Statement of Acres assessed and the assessed Valuation thereof, together with Taxes paid thereon for the year 1904.

County	Acres Assessed	Assessed Valuation	Average Assessed Valuation Per Acre	Amount of Taxes Paid	Average Tax Paid Per Acre
Benton	55,291.26	$ 139,779.00	$2.53	$ 2,365.20	.043
Clackamas	98,488.85	229,165.00	2.33	4,971.18	.051
Coos	113,593.32	198,775.00	1.75	6,084.88	.053
Curry	7,844.45	19,639.00	2.50	659.68	.084
Columbia	18,065.98	64,215.00	3.55	1,940.69	.107
Douglas	629,775.16	957,905.00	1.52	24,645.88	.039
Jackson	448,022.82	505,670.00	1.13	13,545.10	.030

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Josephine	172,840.52	252,871.00	1.47	8,064.65	.047
Klamath	48,016.12	98,646.88	2.29	2,392.19	.056
Lane	312,502.57	750,440.00	2.40	18,346.86	.059
Lincoln	15,986.80	31,972.60	2.00	993.14	.062
Linn	70,449.52	210,850.00	2.99	4,862.12	.069
Marion	34,269.10	74,045.00	2.16	1,662.49	.049
Multnomah	9,685.89	34,790.00	3.59	848.21	.086
Polk	38,034.23	106,556.60	2.80	2,710.75	.071
Tillamook	30,202.98	36,040.00	1.19	992.07	.033
Washington	23,594.00	52,270.00	2.22	1,400.12	.059
Yamhill	30,692.40	47,780.19	1.56	1,286.71	.042
Total all Counties...	2,151,854.47	$3,810,910.27	$1.77	$97,721.87	.045

OREGON AND CALIFORNIA RAILROAD COMPANY

CONGRESSIONAL LANDS IN OREGON

Statement of Acres assessed and the assessed Valuation thereof, together with Taxes paid thereon for the year 1908.

County	Acres Assessed	Assessed Valuation	Average Assessed Valuation Per Acre	Amount of Taxes Paid	Average Tax Paid Per Acre
Benton	56,965.72	$ 146,585.00	$2.57	$ 2,640.24	.046
Clackamas	124,409.76	372,240.00	2.99	7,740.46	.062
Coos	106,836.05	160,079.00	1.50	5,153.56	.048
Curry	8,003.02	20,105.55	2.51	575.32	.072
Columbia	18,078.43	41,095.00	2.27	1,596.45	.088
Douglas	664,638.25	1,013,364.80	1.52	29,248.32	.044
Jackson	479,998.57	617,255.78	1.29	16,018.21	.033

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Josephine	181,956.40	284,820.00	1.57	10,090.14	.055
Klamath	43,173.83	104,621.00	2.42	2,261.41	.052
Lane	392,885.08	987,520.00	2.51	22,800.31	.058
Lincoln	16,146.30	32,292.60	2.00	1,002.35	.062
Linn	108,150.77	324,117.00	3.00	7,219.09	.067
Marion	35,155.22	71,110.00	2.02	1,418.62	.041
Multnomah	7,191.69	44,330.00	6.16	563.83	.078
Polk	36,892.65	172,835.00	4.68	4,626.84	.125
Tillamook	60,261.71	133,160.00	2.21	4,247.75	.070
Washington	36,559.45	85,935.00	2.35	2,877.41	.065
Yamhill	36,608.51	61,970.64	1.69	1,651.20	.045
Total All Counties...	2,413,911.41	$4,673,436.37	$1.94	$121,226.51	.050

OREGON AND CALIFORNIA RAILROAD COMPANY

CONGRESSIONAL LANDS IN OREGON

Statement of Acres assessed and the assessed Valuation thereof, together with Taxes paid thereon for the year 1902.

County	Acres Assessed	Assessed Valuation	Average Assessed Valuation Per Acre	Amount of Taxes Paid	Average Tax Paid Per Acre
Benton	56,989.63	$ 93,526.00	$1.64	$ 2,589.25	.045
Clackamas	120,488.84	149,950.00	1.24	5,008.35	.042
Coos	107,295.80	134,120.00	1.25	3,941.57	.037
Curry	8,883.89	12,881.00	1.45	393.58	.044
Columbia	18,119.88	36,115.00	1.99	1,208.44	.066
Douglas	631,018.64	943,750.00	1.50	22,259.04	.035
Jackson	479,004.24	419,977.00	.88	10,092.57	.021

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Josephine	170,060.94	140,510.00	.83	4,866.78	.029
Klamath	89,648.51	100,872.00	2.54	2,220.30	.056
Lane	403,066.66	532,089.00	1.32	11,971.70	.028
Lincoln	16,146.00	32,293.00	2.00	908.40	.056
Linn	109,328.52	119,770.00	1.10	2,220.23	.020
Marion	47,426.66	78,463.00	1.65	1,462.05	.031
Multnomah	7,062.48	26,800.00	5.04	645.78	.122
Polk	52,867.92	132,360.00	2.50	3,635.60	.069
Tillamook	60,261.39	148,420.00	2.50	4,044.01	.067
Washington	36,346.35	59,635.00	1.64	1,620.74	.044
Yamhill	37,986.76	43,697.00	1.15	1,016.47	.027
Total All Counties...	2,401,998.06	$3,205,228.00	$1.33	$80,094.81	.0333

OREGON AND CALIFORNIA RAILROAD COMPANY

CONGRESSIONAL LANDS IN OREGON

Statement of Acres assessed and the assessed Valuation thereof, together with Taxes paid thereon for the year 1901.

County	Acres Assessed	Assessed Valuation	Average Assessed Valuation Per Acre	Amount of Taxes Paid	Average Tax Paid Per Acre
Benton	58,379.35	$ 72,800.00	$1.25	$ 1,797.50	.031
Clackamas	82,107.96	113,106.00	1.38	3,342.65	.041
Coos	110,781.72	138,330.00	1.25	4,157.86	.038
Curry	8,934.54	13,398.00	1.50	431.28	.048
Columbia	18,117.84	34,755.00	1.92	1,163.22	.064
Douglas	635,936.95	518,530.00	.82	13,474.69	.021
Jackson	481,538.20	410,082.00	.85	10,787.34	.022

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Josephine	169,715.18	135,920.00	.80	4,687.07	.028
Klamath	43,987.44	93,000.00	2.11	1,715.05	.039
Lane	402,829.76	420,830.00	1.05	11,825.60	.029
Lincoln	15,946.30	20,893.00	1.31	587.73	.037
Linn	109,781.73	117,308.00	1.07	2,412.86	.022
Marion	48,242.93	64,997.00	1.35	1,279.96	.027
Multnomah	3,928.58	11,360.00	2.89	204.88	.052
Polk	52,935.26	69,625.00	1.32	2,036.95	.038
Tillamook	60,146.79	89,600.00	1.49	2,829.85	.047
Washington	36,707.85	59,085.00	1.61	1,598.58	.044
Yamhill	38,401.30	44,460.00	1.16	991.11	.026
Total All Counties...	2,377,869.68	$2,428,079.00	$1.02	$65,274.18	.0275

OREGON AND CALIFORNIA RAILROAD COMPANY

CONGRESSIONAL LANDS IN OREGON

Statement of Acres assessed and the assessed Valuation thereof, together with Taxes paid thereon for the year 1900.

County	Acres Assessed	Assessed Valuation	Average Assessed Valuation Per Acre	Amount of Taxes Paid	Average Tax Paid Per Acre
Benton	58,696.88	$ 73,356.00	$1.25	$ 1,677.67	.029
Clackamas	76,719.81	96,520.00	1.26	2,847.77	.037
Coos	110,867.87	138,578.00	1.25	4,083.40	.037
Curry	8,854.29	11,046.00	1.25	352.98	.040
Columbia	18,215.97	35,184.00	1.93	1,084.76	.060
Douglas	633,463.56	390,558.00	.62	8,780.18	.014
Jackson	480,415.78	310,824.00	.65	8,706.79	.018

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Josephine	171,519.34	107,052.00	.62	3,539.09	.021
Klamath	42,497.22	54,376.00	1.28	1,299.09	.031
Lane	408,375.75	430,159.00	1.05	10,716.35	.026
Lincoln	15,826.30	19,420.00	1.23	499.09	.032
Linn	117,785.99	127,411.00	1.08	2,600.33	.022
Marion	48,471.31	63,292.00	1.31	1,461.25	.030
Multnomah	4,063.76	7,290.00	1.79	148.14	.036
Polk	53,883.81	43,235.26	.80	1,284.11	.024
Tillamook	63,044.55	74,600.00	1.18	2,325.60	.037
Washington	36,587.09	50,784.00	1.39	1,513.14	.041
Yamhill	38,925.81	43,628.00	1.12	933.70	.024
Total All Counties...	2,388,215.09	$2,076,808.26	.87	$53,804.46	.0225

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OREGON AND CALIFORNIA RAILROAD COMPANY

CONGRESSIONAL LANDS IN OREGON

Statement of Acres assessed and the assessed Valuation thereof, together with Taxes paid thereon for the year 1899.

County	Acres Assessed	Assessed Valuation	Average Assessed Valuation Per Acre	Amount of Taxes Paid	Average Tax Paid Per Acre
Benton	52,090.01	65,131.00	$1.25	$ 1,551.37	.030
Clackamas	81,030.01	99,094.00	1.22	2,795.21	.034
Coos	88,675.57	115,406.00	1.30	3,262.86	.037
Curry	9,243.75	11,072.00	1.20	527.97	.057
Columbia	18,283.81	35,445.00	1.94	1,054.00	.058
Douglas	608,833.27	348,448.00	.57	8,870.51	.014
Jackson	518,557.10	312,182.00	.61	8,844.48	.017
Josephine	165,117.78	108,115.00	.65	3,263.88	.020
Klamath	62,418.35	67,584.00	1.08	1,788.05	.029
Lane	411,070.48	429,521.00	1.04	11,458.04	.028
Lincoln	10,118.00	13,503.00	1.33	382.13	.038
Linn	99,401.57	102,773.00	1.03	1,585.09	.016
Marion	48,218.16	69,625.90	1.44	1,565.87	.032
Multnomah	4,247.64	8,140.00	1.91	220.64	.052
Polk	55,058.83	49,422.00	.90	1,217.68	.022
Tillamook	62,412.16	83,600.00	1.33	2,668.40	.043
Washington	37,828.85	62,427.00	1.65	1,704.52	.045
Yamhill	39,303.74	36,505.99	.93	725.50	.018
Total All Counties...	2,366,859.08	$2,017,994.89	.86	$52,986.20	.0224

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OREGON AND CALIFORNIA RAILROAD COMPANY

CONGRESSIONAL LANDS IN OREGON

Statement of Acres assessed and the assessed Valuation thereof, together with Taxes paid thereon for the year 1898.

County	Acres Assessed	Assessed Valuation	Average Assessed Valuation Per Acre	Amount of Taxes Paid	Average Tax Paid Per Acre
Benton	50,320.38	$ 62,845.00	$1.25	$ 1,558.14	.031
Clackamas	84,009.29	100,711.00	1.20	2,893.89	.034
Coos	74,165.81	92,727.00	1.25	2,377.88	.032
Curry	9,048.00	12,015.00	1.33	441.35	.049
Columbia	18,751.00	36,175.00	1.93	1,108.25	.059
Douglas	580,709.04	339,988.81	.67	8,684.66	.017
Jackson	513,005.64	395,804.00	.77	9,531.67	.019

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Josephine	166,059.82	109,892.00	.66	3,363.55	.020
Klamath	68,057.64	69,184.00	1.10	1,681.17	.027
Lane	407,014.87	530,278.00	1.30	12,150.69	.030
Lincoln	10,117.74	12,871.00	1.27	343.66	.034
Linn	96,284.32	98,596.78	1.02	1,887.94	.020
Marion	49,726.40	68,504.75	1.37	1,488.54	.030
Multnomah	3,401.81	16,166.00	4.75	260.26	.076
Polk	55,669.57	49,745.00	.89	1,174.43	.021
Tillamook	61,504.72	83,000.00	1.35	2,608.82	.042
Washington	39,542.63	85,500.00	2.16	1,911.04	.048
Yamhill	39,750.08	35,144.91	.88	657.22	.017
Total All Counties...	2,322,083.85	$2,198,648.25	.95	$54,123.16	.0233

OREGON AND CALIFORNIA RAILROAD COMPANY

CONGRESSIONAL LANDS IN OREGON

Statement of Acres assessed and the assessed Valuation thereof, together with Taxes paid thereon for the year 1897.

County	Acres Assessed	Assessed Valuation	Average Assessed Valuation Per Acre	Amount of Taxes Paid	Average Tax Paid Per Acre
Benton	50,308.95	$ 62,624.00	$1.24	$ 1,361.72	.027
Clackamas	84,746.75	95,961.00	1.13	2,568.43	.030
Coos	73,933.01	89,546.00	1.21	2,560.89	.034
Curry	8,042.00	10,052.00	1.25	338.00	.042
Columbia	18,521.92	35,959.27	1.94	1,115.11	.060
Douglas	572,579.73	316,184.17	.55	6,813.71	.012
Jackson	479,890.28	364,937.00	.76	8,148.48	.017

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Josephine	151,374.42	102,026.00	.67	3,107.26	.020
Klamath	64,058.35	70,191.00	1.10	1,600.96	.025
Lane	398,908.00	521,528.00	1.31	10,370.35	.026
Lincoln	10,117.74	14,058.00	1.39	352.86	.035
Linn	90,844.16	135,825.00	1.60	1,749.36	.019
Marion	50,186.58	68,510.00	1.36	1,072.40	.021
Multnomah	1,852.80	5,220.00	2.81	85.81	.046
Polk	56,412.28	44,809.57	.80	881.41	.016
Tillamook	61,544.72	95,155.00	1.54	2,758.39	.045
Washington	87,989.96	82,900.00	2.18	1,468.21	.039
Yamhill	38,880.39	29,549.30	.76	487.16	.013
Total All Counties...	2,250,191.99	$2,145,030.31	.95	$46,840.51	.0208

OREGON AND CALIFORNIA RAILROAD COMPANY

CONGRESSIONAL LANDS IN OREGON

Statement of Acres assessed and the assessed Valuation thereof, together with Taxes paid thereon for the year 1896.

County	Acres Assessed	Assessed Valuation	Average Assessed Valuation Per Acre	Amount of Taxes Paid	Average Tax Paid Per Acre
Benton	49,534.61	$ 42,022.00	$ .85	$ 869.92	.018
Clackamas	72,525.44	78,596.00	1.08	2,146.24	.029
Coos	73,986.79	98,914.00	1.33	2,275.33	.031
Curry	9,480.00	11,787.50	1.25	316.90	.034
Columbia	17,561.06	32,525.00	1.85	967.34	.056
Douglas	518,283.00	363,903.00	.70	7,932.19	.016
Jackson	482,258.00	388,051.00	.80	6,664.20	.013

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Josephine	145,745.76	107,704.00	.74	3,152.76	.022
Klamath	64,148.83	72,506.00	1.13	1,809.82	.026
Lane	371,044.00	490,591.00	1.32	8,728.59	.024
Lincoln	10,117.74	15,175.00	1.50	378.40	.036
Linn	87,990.08	86,498.10	.98	1,287.51	.015
Marion	38,587.24	48,836.18	1.48	925.48	.028
Multnomah	1,685.35	6,094.00	3.61	94.28	.056
Polk	52,384.52	16,580.50	.32	429.04	.008
Tillamook	49,858.81	128,690.00	2.48	3,450.74	.069
Washington	35,952.64	80,815.00	2.30	1,260.71	.035
Yamhill	38,550.00	29,463.16	.76	447.78	.012
Total All Counties...	2,114,643.87	$2,092,746.44	.99	$43,081.68	.0203

OREGON AND CALIFORNIA RAILROAD COMPANY

CONGRESSIONAL LANDS IN OREGON

Statement of Acres assessed and the assessed Valuation thereof, together with Taxes paid thereon for the year 1895.

County	Acres Assessed	Assessed Valuation	Average Assessed Valuation Per Acre	Amount of Taxes Paid	Average Tax Paid Per Acre
Benton	38,172.00	$ 20,019.00	$ .52	$ 397.61	.010
Clackamas	73,566.78	82,469.00	1.12	2,164.70	.029
Coos	81,661.00	60,010.00	.78	1,367.81	.017
Curry	9,480.00	11,826.00	1.25	316.90	.034
Columbia	9,578.00	10,775.00	1.12	309.04	.032
Douglas	465,195.00	176,218.00	.38	3,974.91	.008
Jackson	451,697.00	349,089.00	.76	7,459.29	.016

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Josephine	130,184.00	96,303.00	.74	2,802.57	.021
Klamath	61,029.00	67,453.00	1.10	1,458.06	.024
Lane	345.368.00	420,741.00	1.22	7,761.66	.022
Lincoln	9,237.00	5,076.00	.55	107.15	.012
Linn	76,858.00	58,769.00	.76	1,062.67	.014
Marion	31,146.00	51,936.00	1.66	806.34	.026
Multnomah	4,389.71	17,054.00	3.88	295.65	.067
Polk	43,953.00	21,934.00	.50	367.80	.008
Tillamook	30,056.00	14,940.00	.50	433.76	.014
Washington	36,031.00	39,152.00	1.08	550.38	.015
Yamhill	39,265.00	22,925.00	.58	465.70	.012
Total All Counties...	1,936.816.49	$1,526,639.00	.78	$32,101.50	.0165

OREGON AND CALIFORNIA RAILROAD COMPANY

CONGRESSIONAL LANDS IN OREGON

Statement of Acres assessed and the assessed Valuation thereof, together with Taxes paid thereon for the year 1894.

County	Acres Assessed	Assessed Valuation	Average Assessed Valuation Per Acre	Amount of Taxes Paid	Average Tax Paid Per Acre
Benton	31,841.00	20,915.00	$ .66	$ 364.21	.011
Clackamas	70,551.00	100,236.00	1.42	2,417.30	.034
Coos	18,130.00	34,206.00	1.88	673.38	.067
Curry	120.00	240.00	2.00	6.00	.050
Columbia	9,250.00	9,240.00	1.00	256.34	.028
Douglas	448,241.00	167,086.00	.37	3,933.35	.009
Jackson	364,672.00	287,415.00	.79	6,114.48	.016

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Josephine	105,704.00	88,118.00	.83	2,709.74	.026
Klamath	55,170.97	71,175.00	1.29	1,482.10	.027
Lane	316,207.00	208,874.00	.66	3,340.37	.010
Lincoln	9,236.00	5,514.00	.60	88.23	.009
Linn	56,519.00	65,141.00	1.14	933.33	.016
Marion	26,307.00	50,391.00	1.91	861.19	.033
Multnomah	3,762.25	15,658.00	4.16	279.84	.074
Polk	42,749.00	20,399.00	.48	369.79	.009
Tillamook	27,633.00	14,305.00	.52	367.11	.013
Washington	26,489.00	29,680.00	1.12	461.43	.017
Yamhill	39,605.00	32,055.00	.81	572.85	.014
Total All Counties...	1,652,187.22	$1,220,648.00	.74	$25,231.04	.0152

OREGON AND CALIFORNIA RAILROAD COMPANY

CONGRESSIONAL LANDS IN OREGON

Statement of Acres assessed and the assessed Valuation thereof, together with Taxes paid thereon for the year 1893.

County	Acres Assessed	Assessed Valuation	Average Assessed Valuation Per Acre	Amount of Taxes Paid	Average Tax Paid Per Acre
Benton	20,041.00	$ 17,051.00	$ .85	$ 272.81	.014
Clackamas	55,188.00	80,868.00	1.45	1,596.13	.028
Coos	18,237.00	18,137.00	1.00	643.12	.030
Curry	No data				
Columbia	9,211.00	8,290.00	.90	203.21	.022
Douglas	419,263.00	167,733.00	.40	3,395.60	.008
Jackson	361,211.00	269,970.00	.75	5,588.33	.015

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Josephine	105,481.00	95,320.00	.90	2,177.00	.021
Klamath	22,927.00	89,259.00	1.71	883.11	.036
Lane	147,321.00	213,507.00	1.44	3,642.75	.025
Lincoln	9,116.00	18,232.00	2.00	351.87	.038
Linn	39,955.00	50,170.00	1.25	795.09	.020
Marion	16,148.00	35,182.00	2.17	466.86	.029
Multnomah	1,320.00	3,686.00	2.79	55.30	.041
Polk	9,640.00	16,919.00	1.75	219.94	.022
Tillamook	9,685.00	5,692.00	.59	133.77	.014
Washington	29,655.00	41,461.00	1.39	627.54	.021
Yamhill	16,629.00	20,333.00	1.22	264.33	.016
Total All Counties...	1,290,978.00	$1,101,310.00	.85	$21,266.76	.0164

OREGON AND CALIFORNIA RAILROAD COMPANY

CONGRESSIONAL LANDS IN OREGON

Statement of Acres assessed and the assessed Valuation thereof, together with Taxes paid thereon for the year 1892.

County	Acres Assessed	Assessed Valuation	Average Assessed Valuation Per Acre	Amount of Taxes Paid	Average Tax Paid Per Acre
Benton	16,234.00	$ 16,382.00	$1.01	$ 360.41	.022
Clackamas	58,282.00	90,705.00	1.70	2,471.20	.046
Coos	1,040.00	3,520.00	3.38	79.74	.076
Curry	No data				
Columbia	7,760.00	8,536.00	1.10	242.12	.031
Douglas	404,420.97	167,157.00	.41	4,027.90	.010
Jackson	364,254.00	189,085.00	.52	4,469.82	.012
Josephine	101,461.00	75,269.00	.95	1,807.30	.018
Klamath	20,248.00	31,486.00	1.55	1,055.20	.052
Lane	222,287.00	247,753.00	1.11	5,607.81	.025
Lincoln	No data				
Linn	45,904.00	65,985.00	1.43	1,320.55	.028
Marion	13,732.00	24,050.00	1.75	548.59	.040
Multnomah	600.00	1,980.00	3.30	36.63	.061
Polk	8,170.00	12,779.00	1.56	360.18	.044
Tillamook	9,685.00	6,888.00	.76	150.00	.015
Washington	22,748.00	22,915.00	.58	560.70	.025
Yamhill	15,794.00	21,159.00	1.33	550.14	.035
Total All Counties...	1,307,619.97	$ 985,094.00	$ .75	$23,648.29	.0180

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OREGON AND CALIFORNIA RAILROAD COMPANY

CONGRESSIONAL LANDS IN OREGON

Statement of Acres assessed and the assessed Valuation thereof, together with Taxes paid thereon for the year 1891.

County	Acres Assessed	Assessed Valuation	Average Assessed Valuation Per Acre	Amount of Taxes Paid	Average Tax Paid Per Acre
Benton	7,391.00	$ 9,239.00	$1.25	$ 181.10	.024
Clackamas	48,483.00	72,178.00	1.49	2,170.02	.045
Coos	1,040.00	2,600.00	2.50	54.60	.052
Curry	No data				
Columbia	No data	15,923.00		205.68	
Douglas	423,928.49	176,115.50	.42	3,874.54	.009
Jackson	Compromise			6,623.18	

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Josephine	No data	22,500.00		630.76	
Klamath	24,764.79.	24,764.79	1.00	619.12	.025
Lane	103,823.38	207,646.76	2.00	3,818.89	.037
Lincoln	No data				
Linn	24,886.00	24,886.00	1.00	447.95	.018
Marion	No data			356.20	
Multnomah	1,480.00	4,360.00	2.94	74.12	.050
Polk	No data			225.00	
Tillamook		No land assessed and no Taxes Paid			
Washington	25,518.00	32,100.00	1.26	588.07	.023
Yamhill	15,547.18	29,150.96	1.87	330.97	.021
Total All Counties...	676,811.84	$ 621,464.01		$20,200.15	

DEFENDANTS' EXHIBIT 320

Statement No. 1-A.

Showing by Counties the Assessment Upon

CONGRESSIONAL LANDS

of

OREGON AND CALIFORNIA RAILROAD COMPANY

From 1891 to 1904 Inclusive

Together with the Acreage assessed, the assessed Valuation, the Average assessed Valuation per Acre, the Total Taxes paid and the Average Tax paid per Acre.

Auditor.

San Francisco, Calif.,
January 4th, 1906.

OREGON AND CALIFORNIA RAILROAD COMPANY

CONGRESSIONAL LANDS IN OREGON

Statement of Acres assessed and the assessed Valuation thereof, together with the Taxes paid thereon for the years 1891 to 1904 both inclusive.

County	Acres Assessed	Assessed Valuation	Average Assessed Valuation Per Acre	Total Taxes Paid	Average Tax Paid Per Acre
Benton	602,255.79	$ 842,274.00	$1.40	$ 17,987.15	.030
Clackamas	1,125,541.99	1,761,299.00	1.56	45,128.53	.040
Coos	980,193.94	1,284,948.00	1.31	36,666.88	.037
Curry	87,828.94	134,062.05	1.52	4,359.96	.049
Columbia	199,464.84	404,282.27	2.03	12,449.60	.062
Douglas	7,686,286.06	6,046,936.28	.79	149,365.43	.020
Jackson	5,899,524.63	4,819,291.78	.82	122,588.94	.021

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Josephine	1,936,670.16	1,726,420.00	.89	54,263.02	.028
Klamath	650,146.05	965,118.67	1.48	22,215.13	.034
Lane	4,642,203.55	6,391,472.76	1.38	142,539.97	.031
Lincoln	148,111.42	221,300.20	1.49	5,990.01	.041
Linn	1,134,088.66	1,587,544.88	1.40	30,334.62	.027
Marion	482,616.64	768,442.83	1.59	15,875.84	.032
Multnomah	54,671.46	202,928.00	3.71	3,813.32	.070
Polk	558,651.07	757,199.93	1.36	19,539.02	.035
Tillamook	586,296.83	908,585.00	1.55	27,010.27	.046
Washington	461,549.82	784,159.00	1.70	17,642.59	.038
Yamhill	465,939.17	497,822.15	1.07	10,380.84	.022
Total	27,652,041.02	$30,104,036.80	$1.09	$737,601.12	.027

OREGON AND CALIFORNIA RAILROAD COMPANY

CONGRESSIONAL LANDS IN OREGON

Statement of Acres assessed and the assessed Valuation thereof, together with the Taxes paid thereon for the years 1891 to 1904 both inclusive.

BENTON COUNTY

Year	Acres Assessed	Assessed Valuation	Average Assessed Valuation Per Acre	Total Taxes Paid	Average Tax Paid Per Acre
1891	7,891.00	$ 9,289.00	$1.25	$181.10	.024
1892	16,234.00	16,382.00	1.01	360.41	.022
1893	20,041.00	17,051.00	.85	272.81	.014
1894	31,841.00	20,915.00	.66	364.21	.011
1895	38,172.00	20,019.00	.52	397.61	.010

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1896	49,534.61	42,022.00	.85	869.92	.018
1897	50,308.95	62,624.00	1.24	1,361.72	.027
1898	50,320.38	62,845.00	1.25	1,558.14	.031
1899	52,090.01	65,131.00	1.25	1,551.37	.030
1900	58,696.88	73,356.00	1.25	1,677.67	.029
1901	58,379.35	72,800.00	1.25	1,797.50	.031
1902	56,989.63	93,526.00	1.64	2,589.25	.045
1903	56,965.72	146,585.00	2.57	2,640.24	.046
1904	55,291.26	139,779.00	2.53	2,365.20	.043
Total for Period	602,255.79	$842,274.00	$1.40	$17,987.15	.030
Yearly Average	43,018.28	$ 60,162.42	$1.40	$ 1,284.74	.030

OREGON AND CALIFORNIA RAILROAD COMPANY

CONGRESSIONAL LANDS IN OREGON

Statement of Acres assessed and the assessed Valuation thereof, together with the Taxes paid thereon for the years 1891 to 1904 both inclusive.

CLACKAMAS COUNTY

Year	Acres Assessed	Assessed Valuation	Average Assessed Valuation Per Acre	Total Taxes Paid	Average Tax Paid Per Acre
1891	48,433.00	$ 72,178.00	$1.49	$ 2,170.02	.045
1892	53,282.00	90,705.00	1.70	2,471.20	.046
1893	55,188.00	80,868.00	1.45	1,596.13	.028
1894	70,551.00	100,286.00	1.42	2,417.80	.034
1895	78,566.78	82,469.00	1.12	2,164.70	.029

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1896	72,525.44	78,596.00	1.08	2,146.24	.029
1897	84,746.75	95,961.00	1.13	2,568.43	.030
1898	84,009.29	100,711.00	1.20	2,893.89	.034
1899	81,080.01	99,094.00	1.22	2,795.21	.034
1900	76,719.81	96,520.00	1.26	2,847.77	.037
1901	82,107.96	113,106.00	1.38	3,342.65	.041
1902	120,483.84	149,950.00	1.24	5,003.35	.042
1903	124,409.76	372,240.00	2.99	7,740.46	.062
1904	98,488.35	229,165.00	2.33	4,971.18	.051
Total for Period	1,125,541.99	$1,761,299.00	$1.56	$ 45,128.53	.040
Yearly Average	80,395.85	$ 125,807.07	$1.56	$ 3,223.46	.040

OREGON AND CALIFORNIA RAILROAD COMPANY

CONGRESSIONAL LANDS IN OREGON

Statement of Acres assessed and the assessed Valuation thereof, together with the Taxes paid thereon for the years 1891 to 1904 both inclusive.

COOS COUNTY

Year	Acres Assessed	Assessed Valuation	Average Assessed Valuation Per Acre	Total Taxes Paid	Average Tax Paid Per Acre
1891	1,040.00	$ 2,600.00	$2.50	$ 54.60	.052
1892	1,040.00	3,520.00	3.38	79.74	.076
1893	18,287.00	18,187.00	1.00	643.12	.030
1894	18,180.00	34,206.00	1.88	673.38	.067
1895	81,661.00	60,010.00	.73	1,367.81	.017

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1896	73,986.79	98,914.00	1.33	2,275.33	.031
1897	73,933.01	89,546.00	1.21	2,560.89	.034
1898	74,165.81	92,727.00	1.25	2,377.88	.032
1899	88,675.57	115,406.00	1.30	3,262.86	.037
1900	110,867.87	138,578.00	1.25	4,083.40	.037
1901	110,731.72	138,330.00	1.25	4,157.86	.038
1902	107,295.80	134,120.00	1.25	3,941.57	.037
1903	106,886.05	160,079.00	1.50	5,153.56	.048
1904	113,593.32	198,775.00	1.75	6,084.88	.053
Total for Period	980,193.94	$1,284,948.00	$1.31	$ 36,666.88	.037
Yearly Average	70,013.84	$ 91,782.00	$1.31	$ 2,619.06	.037

OREGON AND CALIFORNIA RAILROAD COMPANY

CONGRESSIONAL LANDS IN OREGON

Statement of Acres assessed and the assessed Valuation thereof, together with the Taxes paid thereon for the years 1891 to 1904 both inclusive.

CURRY COUNTY

Year	Acres Assessed	Assessed Valuation	Average Assessed Valuation Per Acre	Total Taxes Paid	Average Tax Paid Per Acre
1891					
1892					
1893					
1894	120.00	$ 240.00	$2.00	$ 6.00	.050
1895	9,480.00	11,826.00	1.25	816.90	.084

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1896	9,430.00	11,787.50	1.25	316.90	.034
1897	8,042.00	10,052.00	1.25	388.00	.042
1898	9,043.00	12,015.00	1.33	441.35	.049
1899	9,243.75	11,072.00	1.20	527.97	.057
1900	8,854,29	11,046.00	1.25	352.98	.040
1901	8,934.54	13,398.00	1.50	431.28	.048
1902	8,883.89	12,881.00	1.45	398.58	.044
1903	8,003.02	20,105.55	2.51	575.32	.072
1904	7,844.45	19,639.00	2.50	659.68	.084
Total for Period	87,828.94	$ 134,062.05	$1.52	$ 4,359.96	.049
Yearly Average	6,273.49	$ 9,575.86	$1.52	$ 311.42	.049

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OREGON AND CALIFORNIA RAILROAD COMPANY

CONGRESSIONAL LANDS IN OREGON

Statement of Acres assessed and the assessed Valuation thereof, together with the Taxes paid thereon for the years 1891 to 1904 both inclusive.

COLUMBIA COUNTY

Year	Acres Assessed	Assessed Valuation	Average Assessed Valuation Per Acre	Total Taxes Paid	Average Tax Paid Per Acre
1891		$ 15,923.00	$	$ 205.68	
1892	7,760.00	8,536.00	1.10	242.12	.031
1893	9,211.00	8,290.00	.90	203.21	.022
1894	9,250.00	9,240.00	1.00	256.34	.028
1895	9,578.00	10,775.00	1.12	309.04	.032
1896	17,561.06	32,525.00	1.85	967.34	.056

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1897	18,521.92	35,959.27	1.94	1,115.11	.060
1898	18,751.00	36,175.00	1.93	1,108.25	.059
1899	18,283.81	35,445.00	1.94	1,054.00	.058
1900	18,215.97	35,184.00	1.93	1,084.76	.060
1901	18,117.84	34,755.00	1.92	1,163.22	.064
1902	18,119.83	36,115.00	1.99	1,203.44	.066
1903	18,078.43	41,095.00	2.27	1,596.45	.088
1904	18,065.98	64,215.00	3.55	1,940.69	.107
Total for Period	199,464.84	$ 404,232.27	$2.03	$ 12,449.60	.062
Yearly Average	14,247.49	$ 28,873.73	$2.03	$ 889.25	.062

OREGON AND CALIFORNIA RAILROAD COMPANY

CONGRESSIONAL LANDS IN OREGON

Statement of Acres assessed and the assessed Valuation thereof, together with the Taxes paid thereon for the years 1891 to 1904 both inclusive.

DOUGLAS COUNTY

Year	Acres Assessed	Assessed Valuation	Average Assessed Valuation Per Acre	Total Taxes Paid	Average Tax Paid Per Acre
1891	423,928.49	$ 176,115.50	$ .42	$ 3,874.54	.009
1892	404,420.97	167,157.00	.41	4,027.90	.010
1893	419,268.00	167,733.00	.40	3,895.60	.008
1894	448,241.00	167,086.00	.37	3,933.35	.009
1895	465,195.00	176,218.00	.38	3,974.91	.008
1896	518,283.00	363,903.00	.70	7,932.19	.016

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1897	572,579.73	316,184.17	.55	6,813.71	.012
1898	580,709.04	339,988.81	.67	8,684.66	.017
1899	608,883.27	348,448.00	.57	8,370.51	.014
1890	633,463.56	390,553.00	.62	8,780.18	.014
1891	635,936.95	518,530.00	.82	13,474.69	.021
1892	631,018.64	948,750.00	1.50	22,259.04	.035
1893	664,688.25	1,013,364.80	1.52	29,248.32	.044
1894	629,775.16	957,905.00	1.52	24,645.83	.039
Total for Period	7,636,286.06	$6,046,936.28	$ .79	$149,365.43	.020
Yearly Average	545,449.00	$ 431,924.20	$ .79	$ 10,668.95	.020

OREGON AND CALIFORNIA RAILROAD COMPANY

CONGRESSIONAL LANDS IN OREGON

Statement of Acres assessed and the assessed Valuation thereof, together with the Taxes paid thereon for the years 1891 to 1904 both inclusive.

JACKSON COUNTY

Year	Acres Assessed	Assessed Valuation	Average Assessed Valuation Per Acre	Total Taxes Paid	Average Tax Paid Per Acre
1891			$	$ 6,623.18	
1892	364,254.00	$ 189,085.00	.52	4,469.82	.012
1893	361,211.00	269,970.00	.75	5,588.33	.015
1894	364,672.00	287,415.00	.79	6,114.48	.016
1895	451,697.00	349,089.00	.76	7,459.29	.016
1896	482,258.00	388,051.00	.80	6,664.20	.013

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1897	479,890.28	364,937.00	.76	8,148.48	.017
1898	513,005.64	395,304.00	.77	9,531.67	.019
1899	513,557.10	312,182.00	.61	8,844.48	.017
1900	480,415.78	310,324.00	.65	8,706.79	.018
1901	481,538.20	410,082.00	.85	10,787.34	.022
1902	479,004.24	419,977.00	.88	10,092.57	.021
1903	479,998.57	617,255.78	1.29	16,013.21	.033
1904	448,022.32	505,670.00	1.13	18,545.10	.030
Total for Period	5,899,524.63	$4,819,291,78	$ .82	$122,538.94	.021
Yearly Average	421,394.61	$ 344,235.12	$ .82	$ 8,752.78	.021

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OREGON AND CALIFORNIA RAILROAD COMPANY

CONGRESSIONAL LANDS IN OREGON

Statement of Acres assessed and the assessed Valuation thereof, together with the Taxes paid thereon for the years 1891 to 1904 both inclusive.

JOSEPHINE COUNTY

Year	Acres Assessed	Assessed Valuation	Average Assessed Valuation Per Acre	Total Taxes Paid	Average Tax Paid Per Acre
1891		$ 22,500.00	$	$ 630.76	
1892	101,461.00	75,269.00	.95	1,807.80	.018
1893	105,431.00	95,820.00	.90	2,177.00	.021
1894	105,704.00	88,118.00	.83	2,709.74	.026
1895	130,184.00	96,303.00	.74	2,802.57	.021

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1896	145,745.76	107,704.00	.74	3,152.76	.022
1897	151,374.42	102,026.00	.67	3,107.26	.020
1898	166,059.82	109,892.00	.66	3,368.55	.020
1899	165,117.78	108,115.00	.65	3,263.88	.020
1900	171,519.34	107,052.00	.62	3,589.61	.021
1901	169,715.18	135,920.00	.80	4,687.07	.028
1902	170,060.94	140,510.00	.83	4,866.73	.029
1903	181,956.40	284,820.00	1.57	10,090.14	.055
1904	172,340.52	252,871.00	1.47	8,064.65	.047
Total for Period	1,936,670.16	$1,726,420.00	$ .89	$ 54,263.02	.028
Yearly Average	138,333.58	$ 123,315.71	$ .89	$ 3,875.93	.028

OREGON AND CALIFORNIA RAILROAD COMPANY

CONGRESSIONAL LANDS IN OREGON

Statement of Acres assessed and the assessed Valuation thereof, together with the Taxes paid thereon for the years 1891 to 1904 both inclusive.

KLAMATH COUNTY

Year	Acres Assessed	Assessed Valuation	Average Assessed Valuation Per Acre	Total Taxes Paid	Average Tax Paid Per Acre
1891	24,764.79	$ 24,764.79	$1.00	$ 619.12	.025
1892	20,248.00	31,486.00	1.55	1,055.20	.052
1893	22,927.00	39,259.00	1.71	833.11	.036
1894	55,170.97	71,175.00	1.29	1,482.10	.027
1895	61,029.00	67,453.00	1.10	1,458.06	.024

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1896	64,148.83	72,506.00	1.13	1,809.32	.026
1897	64,038.83	70,191.00	1.10	1,600.96	.025
1898	63,057.64	69,184.00	1.10	1,681.17	.027
1899	62,418.85	67,584.00	1.08	1,788.05	.029
1900	42,497.22	54,376.00	1.28	1,299.09	.031
1901	43,987.44	93,000.00	2.11	1,715.05	.039
1902	39,648.51	100,872.00	2.54	2,220.30	.056
1903	43,173.88	104,621.00	2.42	2,261.41	.052
1904	43,016.12	98,646.88	2.29	2,892.19	.056
Total for Period	650,146.05	$ 965,118.67	$1.48	$ 22,215.18	.034
Yearly Average	46,439.00	$ 68,937.05	$1.48	$ 1,586.79	.034

OREGON AND CALIFORNIA RAILROAD COMPANY

CONGRESSIONAL LANDS IN OREGON

Statement of Acres assessed and the assessed Valuation thereof, together with Taxes paid thereon for the year 1893.

LANE COUNTY

Year	Acres Assessed	Assessed Valuation	Average Assessed Valuation Per Acre	Total Taxes Paid	Average Tax Paid Per Acre
1891	103,823.38	$ 207,646.76	$2.00	$ 3,818.89	.037
1892	222,287.00	247,753.00	1.11	5,607.81	.025
1893	147,321.00	213,507.00	1.44	3,642.75	.025
1894	316,207.00	208,874.00	.66	3,340.37	.010
1895	345,368.00	420,741.00	1.22	7,761.66	.022

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1896	371,044.00	490,591.00	1.32	8,728.59	.024
1897	398,908.00	521,523.00	1.31	10,870.35	.026
1898	407,014.87	530,278.00	1.30	12,150.69	.030
1899	411,070.48	429,521.00	1.04	11,458.04	.028
1900	408,375.75	430,159.00	1.05	10,716.35	.026
1901	402,329.76	420,830.00	1.05	11,825.60	.029
1902	403,066.66	532,089.00	1.32	11,971.70	.028
1903	392,885.08	987,520.00	2.51	22,800.31	.058
1904	312,502.57	750,440.00	2.40	18,846.86	.059
Total for Period	4,642,203.55	$6,391,472.76	$1.38	$142,539.97	.031
Yearly Average	331,585.96	$ 456,533.77	$1.38	$ 10,181.42	.031

OREGON AND CALIFORNIA RAILROAD COMPANY

CONGRESSIONAL LANDS IN OREGON

Statement of Acres assessed and the assessed Valuation thereof, together with the Taxes paid thereon for the years 1891 to 1904 both inclusive.

LINCOLN COUNTY

Year	Acres Assessed	Assessed Valuation	Average Assessed Valuation Per Acre	Total Taxes Paid	Average Tax Paid Per Acre
1891					
1892					
1893	9,116.00	$ 18,232.00	$2.00	$ 351.87	.038
1894	9,236.00	5,514.00	.60	88.23	.009
1895	9,287.00	5,076.00	.55	107.15	.012
1896	10,117.74	15,175.00	1.50	878.40	.036
1897	10,117.74	14,058.00	1.39	852.86	.035
1898	10,117.74	12,871.00	1.27	848.66	.034
1899	10,118.00	13,503.00	1.33	882.13	.033
1900	15,826.80	19,420.00	1.23	499.09	.032
1901	15,946.80	20,893.00	1.31	587.73	.037
1902	16,146.00	32,298.00	2.00	908.40	.056
1903	16,146.80	32,292.60	2.00	1,002.35	.062
1904	15,986.80	31,972.60	2.00	993.14	.062
Total for Period	148,111.42	$ 221,300.20	$1.49	$ 5,990.01	.040
Yearly Average	10,579.39	$ 15,807.15	$1.49	$ 421.85	.040

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OREGON AND CALIFORNIA RAILROAD COMPANY

CONGRESSIONAL LANDS IN OREGON

Statement of Acres assessed and the assessed Valuation thereof, together with the Taxes paid thereon for the years 1891 to 1904 both inclusive.

LINN COUNTY

Year	Acres Assessed	Assessed Valuation	Average Assessed Valuation Per Acre	Total Taxes Paid	Average Tax Paid Per Acre
1891	24,886.00	$ 24,886.00	$1.00	$ 447.95	.018
1892	45,904.00	65,985.00	1.48	1,320.55	.028
1893	39,955.00	50,170.00	1.25	795.09	.020
1894	56,519.00	65,141.00	1.14	933.33	.016
1895	76,858.00	58,769.00	.76	1,062.67	.014
1896	87,990.08	86,498.10	.98	1,237.51	.015
1897	90,844.16	185,825.00	1.60	1,749.36	.019

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1898	96,284.82	98,596.78	1.02	1,887.94	.020
1899	99,401.57	102,773.00	1.03	1,585.09	.016
1900	117,785.99	127,411.00	1.08	2,600.83	.022
1901	109,781.73	117,308.00	1.07	2,412.86	.022
1902	109,328.52	119,770.00	1.10	2,220.23	.020
1903	108,150.77	324,117.00	3.00	7.219.09	.067
1904	70,449.52	210,350.00	2.99	4,862.12	.069
Total for Period	1,134,088.66	$1,587,544.88	$1.40	$ 30,334.62	.027
Yearly Average	81,006.33	$ 113,396.06	$1.40	$ 2,116.75	.027

OREGON AND CALIFORNIA RAILROAD COMPANY

CONGRESSIONAL LANDS IN OREGON

Statement of Acres assessed and the assessed Valuation thereof, together with the Taxes paid thereon for the years 1891 to 1904 both inclusive.

MARION COUNTY

Year	Acres Assessed	Assessed Valuation	Average Assessed Valuation Per Acre	Total Taxes Paid	Average Tax Paid Per Acre
1891				$ 856.20	
1892	18,782.00	$ 24,050.00	$1.75	548.59	.040
1893	16,148.00	35,182.00	2.17	466.86	.020
1894	26,807.00	50,891.00	1.91	861.19	.033
1895	81,146.00	51,986.00	1.66	806.84	.026

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1896	88,587.24	48,836.18	1.48	925.48	.028
1897	50,186.53	68,510.00	1.86	1,072.40	.021
1898	49,726.49	68,504.75	1.87	1,488.54	.030
1899	48,218.16	69,625.90	1.44	1,565.87	.032
1900	48,471.81	63,292.00	1.81	1,461.25	.030
1901	48,242.93	64,997.00	1.35	1,279.96	.027
1902	47,426.66	78,463.00	1.65	1,462.05	.031
1903	35,155.22	71,110.00	2.02	1,418.62	.041
1904	34,269.10	74,045.00	2.16	1,662.49	.049
Total for Period	482,616.64	768,442.83	$1.59	$ 15,375.84	.032
Yearly Average	34,472.61	54,888.77	$1.59	$ 1,098.27	.032

OREGON AND CALIFORNIA RAILROAD COMPANY

CONGRESSIONAL LANDS IN OREGON

Statement of Acres assessed and the assessed Valuation thereof, together with the Taxes paid thereon for the years 1891 to 1904 both inclusive.

MULTNOMAH COUNTY

Year	Acres Assessed	Assessed Valuation	Average Assessed Valuation Per Acre	Total Taxes Paid	Average Tax Paid Per Acre
1891	1,480.00	$ 4,360.00	$2.94	$ 74.12	.050
1892	600.00	1,980.00	3.30	36.68	.061
1893	1,320.00	3,686.00	2.79	55.30	.041
1894	3,762.25	15,658.00	4.16	279.84	.074
1895	4,389.71	17,054.00	3.88	295.65	.067

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1896	1,685.35	6,094.00	3.61	94.28	.056
1897	1,852.80	5,220.00	2.81	85.81	.046
1898	3,401.81	16,166.00	4.75	260.26	.076
1899	4,247.64	8,140.00	1.91	220.64	.052
1900	4,068.76	7,290.00	1.79	148.14	.036
1901	3,928.58	11,360.00	2.89	204.88	.052
1902	7,062.48	26,800.00	5.04	645.78	.122
1903	7,191.69	44,330.00	6.16	563.83	.078
1904	9,685.39	34,790.00	3.59	848.21	.086
Total for Period	54,671.46	$ 202,928.00	$3.71	$ 3,813.32	.070
Yearly Average	3,905.10	$ 14,494.85	$3.71	$ 272.38	.070

OREGON AND CALIFORNIA RAILROAD COMPANY

CONGRESSIONAL LANDS IN OREGON

Statement of Acres assessed and the assessed Valuation thereof, together with the Taxes paid thereon for the years 1891 to 1904 both inclusive.

POLK COUNTY

Year	Acres Assessed	Assessed Valuation	Average Assessed Valuation Per Acre	Total Taxes Paid	Average Tax Paid Per Acre
1891					
1892	8,170.00	$ 12,779.00	$1.56	$225.00	
1893	9,640.00	16,919.00	1.75	360.18	.044
1894	42,749.00	20,399.00	.48	219.94	.022
1895	43,953.00	21,934.00	.50	369.79	.009
				367.80	.008

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1896	52,884.52	16,580.50	.32	429.04	.008
1897	56,412.28	44,809.57	.80	881.41	.016
1898	55,669.57	49,745.00	.89	1,174.48	.021
1899	55,058.88	49,422.00	.90	1,217.68	.022
1900	58,883.81	48,285.26	.80	1,284.11	.024
1901	52,985.26	69,625.00	1.32	2,086.95	.038
1902	52,867.92	182,860.00	2.50	3,685.60	.069
1903	36,892.65	172,885.00	4.68	4,626.84	.125
1904	38,034.28	106,556.60	2.80	2,710.75	.071
Total for Period	558,651.07	$757,199.93	$1.36	$19,539.02	.035
Yearly Average	39,903.65	$54,085.71	$1.36	$1,395.64	.035

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OREGON AND CALIFORNIA RAILROAD COMPANY

CONGRESSIONAL LANDS IN OREGON

Statement of Acres assessed and the assessed Valuation thereof, together with the Taxes paid thereon for the years 1891 to 1904 both inclusive.

TILLAMOOK COUNTY

1891

Year	Acres Assessed	Assessed Valuation	Average Assessed Valuation Per Acre	Total Taxes Paid	Average Tax Paid Per Acre
1891					
1892	9,685.00	$ 6,888.00	$ .76	$ 150.00	.015
1893	9,685.00	5,692.00	.59	133.77	.014
1894	27,633.00	14,305.00	.52	367.11	.013
1895	30,056.00	14,940.00	.50	433.76	.014

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1896	49,858.81	123,690.00	2.48	3,450.74	.069
1897	61,544.72	95,155.00	1.54	2,758.39	.045
1898	61,504.72	83,000.00	1.35	2,608.82	.042
1899	62,412.16	83,600.00	1.33	2,668.40	.043
1900	63,044.55	74,600.00	1.18	2,825.60	.037
1901	60,146.79	89,600.00	1.49	2,829.85	.047
1902	60,261.39	148,420.00	2.50	4,044.01	.067
1903	60,261.71	133,160.00	2.21	4,247.75	.070
1904	30,202.98	36,040.00	1.19	992.07	.033
Total for Period.....	586,296.83	$908,585.00	$1.55	$27,010.27	.046
Yearly Average	41,878.34	$ 64,898.93	$1.55	$ 1,929.30	.046

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OREGON AND CALIFORNIA RAILROAD COMPANY

CONGRESSIONAL LANDS IN OREGON

Statement of Acres assessed and the assessed Valuation thereof, together with the Taxes paid thereon for the years 1891 to 1904 both inclusive.

WASHINGTON COUNTY

Year	Acres Assessed	Assessed Valuation	Average Assessed Valuation Per Acre	Total Taxes Paid	Average Tax Paid Per-Acre
1891	25,518.00	$ 32,100.00	$1.26	$ 588.07	.023
1892	22,748.00	22,915.00	.58	560.70	.025
1893	29,655.00	41,461.00	1.39	627.54	.021
1894	26,489.00	29,680.00	1.12	461.43	.017
1895	36,031.00	39,152.00	1.08	550.38	.015

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Year	Acres Assessed	Assessed Valuation	Average Assessed Valuation Per Acre	Total Taxes Paid	Average Tax Paid Per Acre
1896	35,952.64	80,315.00	2.30	1,260,71	.035
1897	37,989.96	82,900.00	2.18	1,468.21	.039
1898	39,542.63	85,500.00	2.16	1,911.04	.048
1899	37,828.85	62,427.00	1.65	1,704.52	.045
1900	36,587.09	50,784.00	1.39	1,513.14	.041
1901	36,707.85	59,085.00	1.61	1,598.58	.044
1902	36,846.85	59,635.00	1.64	1,620.74	.044
1903	36,559.45	85,935.00	2.35	2,377.41	.065
1904	23,594.00	52,270.00	2.22	1,400.12	.059
Total for Period	461,549.82	$784,159.00	$1.70	$17,642.59	.038
Yearly Average	32,967.84	$ 56,011.85	$1.70	$ 1,260.18	.038

OREGON AND CALIFORNIA RAILROAD COMPANY

CONGRESSIONAL LANDS IN OREGON

Statement of Acres assessed and the assessed Valuation thereof, together with the Taxes paid thereon for the years 1891 to 1904 both inclusive.

YAMHILL COUNTY

Year	Acres Assessed	Assessed Valuation	Average Assessed Valuation Per Acre	Total Taxes Paid	Average Tax Paid Per Acre
1891	15,547.18	$ 29,150.96	$1.87	$ 330.97	.021
1892	15,794.00	21,159.00	1.33	550.14	.035
1893	16,629.00	20,333.00	1.22	264.33	.016
1894	39,605.00	32,055.00	.81	572.85	.014
1895	39,265.00	22,925.00	.58	465.70	.012

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Year	Acres Assessed	Assessed Valuation	Average Assessed Valuation Per Acre	Total Taxes Paid	Average Tax Paid Per Acre
1896	38,550.00	29,463.16	.76	447.78	.012
1897	38,880.39	29,549.30	.76	487.16	.013
1898	39,750.08	35,144.91	.88	657.22	.017
1899	39,303.74	36,505.99	.93	725.50	.018
1900	38,925.81	43,628.00	1.12	933.70	.024
1901	38,401.30	44,460.00	1.16	991.11	.026
1902	37,986.76	43,697.00	1.15	1,016.47	.027
1903	36,608.51	61,970.64	1.69	1,651.20	.045
1904	30,692.40	47,780.19	1.56	1,286.71	.042
Total for Period	465,939.17	$497,822.15	$1.07	$10,380.84	.022
Yearly Average	33,281.37	$ 35,558.72	$1.07	$ 741.49	.022

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